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THE SOLICITORS' JOURNAL.

LONDON, NOVEMBER 6, 1858.

JUDICIAL DIGNITY.

The first thing that strikes a stranger who enters one of the Superior Courts is, the quiet judicial tone of the whole proceedings. The Bar is occasionally tedious, and the Bench may sometimes groan inwardly over the length of a case which they think they already understand; but impatience and petulance are seldom allowed to interrupt the administration of justice, and if a judge does feel called upon to check the waste of public time, and to put some limit on irrelevant observations by counsel, he is careful neither to interpose until compelled to do so, nor to compromise the decent dignity of the Court by unseemly squabbles with his Bar. In Basinghall-street there is a nest of Courts, where business appears sometimes to be conducted on a different principle. They are presided over by highly-paid Commissioners, who exercise a quasi-penal jurisdiction, and have the difficult duty imposed upon them of weighing the character of a bankrupt's dealings, and apportioning to him such amount of credit and protection for his person and property as his antecedents may deserve. It is, of course, difficult to say where an examination of this kind should begin and end. Some limit must be placed to it, but much latitude ought to be allowed, for there is scarcely any important act in a bankrupt's career which may not be very material in deciding whether he is entitled to a certificate at all, and, if so, whether immediate or deferred, whether he is to be complimented by a first-class, or to undergo the stigma of a third-class certificate, with an intermediate probation of exposure to the vengeance of defrauded creditors. To conduct properly and with decency an inquiry of this troublesome kind, the judge should be a man of more than ordinary patience and forbearance, or he is not unlikely to turn his Court into a bear-garden. Those who are familiar with the Bankruptcy Court know whether patience and forbearance are qualities by which all the Commissioners are distinguished; and, even without personally visiting those

unattractive regions, some idea of the mode in which the Court controls its advocates, and itself, may be gathered from two reports which appeared in the *Times* of Friday, October 29, and Monday, November 1. In both cases Mr. Commissioner Fane presided. The first was the certificate meeting in the bankruptcy of Charles and William Walton, when Mr. Sirgood appeared to oppose on behalf of creditors. The grounds of opposition were, first, an alleged preference, to the amount of several thousand pounds, given to one creditor firm, and, secondly, a series of accommodation transactions. The question was complicated by a tangle of figures in the bankrupt's books, which the opposing counsel said it had taken him eight hours to unravel.

The prospect before the Court was not pleasant, but it was clearly the duty of the Commissioner to allow the inquiry to go on until his own mind was satisfied as to the truth or otherwise of the accusations preferred. After some discussion, it appears that the official assignee volunteered an exculpation of the bankrupts from the charge of undue preference, whereupon the learned Commissioner coolly abdicated his functions, and, after intimating that the account was too complicated for him to understand, stopped the opposing counsel by declaring that he should act upon the assignee's opinion. "Mr. Sirgood," says the report, "thought the Court, and not Mr. Cannan, sat to adjudicate;" and really, we must say, his seems the better opinion.

The other accusation, that of having raised money by accommodation bills, was met by a remark from the Commissioner that he did not consider the occasional acceptance of an accommodation bill a serious offence (a startling doctrine to come from the Bench), and after Mr. Sirgood had struggled for some time to get his case heard, the following edifying conversation is reported to have ensued:—

"The Commissioner said, that as the case was brought before him, he did not understand it.

"Mr. Sirgood—I could not understand it until I had taken upon myself the labour to which I have referred. I would suggest an adjournment, for the purpose of communicating with the official assignee.

"The Commissioner.—No, I have heard enough to satisfy me that I can dispose of the case to-day."

How Mr. Commissioner Fane feels himself competent to decide cases which he professes not to understand, is beyond our comprehension. In the same strain, however, the case was wrangled through until 10 o'clock, much to the amusement of by-standers, and not much to the credit of the Court. As ill-luck would have it, another troublesome case came on a few days later, in which Mr. Sirgood again appeared before Mr. Commissioner Fane. The complaint against the bankrupt in this instance was, that he had assigned all his property, and had suppressed the fact in the balance-sheet which he had put in. This seems, certainly, a very material question; but whether it was so or not, only two courses were fairly open to the Court—either to refuse to hear it as irrelevant, or else to give it a patient consideration. The Commissioner preferred a middle course. He suffered the case to go on, and condescended all the time to interrupt proceedings by quarrelling with the counsel, and to intimate his disapproval by endeavouring to interpolate fragments of other business.

Here is one specimen of judicial dignity in Basinghall-street, as reported in the *Times*:—

"Mr. Sirgood—I now put in a copy of the bill of sale. Will you take a note of what I am reading?"

"The Commissioner.—Why you say you are going to put in evidence.

"Mr. Sirgood.—Then I hand it to your Honour.

"The Commissioner.—I don't want it.

Mr. Sirgood.—Do you wish to hear the contents, or to take a note of them?

"The Commissioner.—No.

"Mr. Sirgood.—Then as I wish you to do so, I will read it to you.

"Some further evidence having been given, Mr. Sargood asked the Court if it would be convenient to take the bankrupt's last answer.

"The COMMISSIONER—I am not to be dictated to as to what I am to do; of what I choose I will take a note.

"Mr. Sargood—I was asking it as a favour, sir.

"The COMMISSIONER—I shan't do it."

The climax of the scene was quite a dramatic exhibition of offended dignity. Here is the reporter's account of what passed:—

"The Commissioner inquired for his hat, and asked Mr. Sargood whether he proposed to further examine the bankrupt.

"Mr. Sargood—I am addressing you, sir, on the evidence.

"The COMMISSIONER—I do not care (putting on his hat)."

The unfortunate solicitor who instructed Mr. Sargood provoked an equal share of the Commissioner's ill-humour. This gentleman thought—whether with or without reason is not material—that certain evidence given was very important, and he, with all due respect, seconded his counsel in urging the Commissioner to take a note of it. Now except, we believe, in the instance of one venerable Irish judge who has lost his eye-sight, the practice of taking notes of evidence has been universal in all superior courts, at least from the time that Lord Lyndhurst ceased to be Chief Baron of the Exchequer. Of course judges exercise discretion in what they take down or reject, but, on the one hand, they rarely refuse to accede to a strong request of counsel, and, on the other, counsel usually defer to a clear expression of the Court's opinion. But at Basinghall-street the Court and the Bar work less harmoniously. Whether Mr. Commissioner Fane thinks himself underpaid or overworked, or whether he was asked to take down a witness's answer at a moment when a spirit of contradiction happened to possess him, we know not, but he very summarily refused to take or sign any note, and told the solicitor who ventured to press his request, that "if he did not conduct himself with decency and propriety, he (the Commissioner) should not stay there." This was really very hard on the luckless Mr. Burdett, who alone of the three principal actors in this comedy appears to have behaved in a perfectly unexceptionable manner.

We shall not undertake to pronounce on the merits of the principal dispute, or to say whether Mr. Sargood was or was not tedious or irrelevant. But of this we are quite sure, that no Court ought to be made the scene of such unseemly explosions of temper, and that no judge ever finds it difficult to exercise reasonable control over those who practise before him, until he forgets how to control himself. At the best, the conduct of business in the Bankruptcy Courts presents a very unfavourable contrast to the decent gravity of other tribunals, and if, as is constantly being suggested, new and more difficult matters are to be included in the Commissioners' jurisdiction, it is of the highest moment that the Court should maintain sufficient self-respect to enable it to perform its public duties without diversifying them with unbecoming squabbles, like those which Mr. Commissioner Fane has been lately indulging in. Even if the report of the proceedings had shown that the retorts of counsel were as unmanly as the snubbings administered from the Bench, it would be no justification for the Commissioner, who has the authority, and ought to have the tact, to keep order in his own Court. But even this poor excuse is wanting; for, however cutting Mr. Sargood's sarcasm may have been, he does not seem to have imitated the peculiarly forcible style affected by the Commissioner. It is to be hoped such scenes will not be repeated, but if the feud is destined to be permanent, bankrupts who are in doubt about their certificates will feel relieved in mind when they see the obnoxious counsel retained against them.

PRIVATE LUNATIC ASYLUMS.

We have heard a good deal lately of the abuses of private lunatic asylums, and a motion for a committee

of inquiry is threatened in the next session. In the meantime it occurs to Mr. E. T. Conolly, Barrister-at-law, to submit to public consideration what is, in his view, an obvious and sufficient remedy; and, accordingly, he has published a small pamphlet, which he thinks will render unnecessary the compilation of a ponderous blue-book. We fear, however, that summary legislation, upon this as upon other subjects, can only be expected upon the impossible condition of unanimity. Mr. Conolly's proposal is the very simple one of giving larger powers, and an increased staff, to the Board of Commissioners in Lunacy. The author of this suggestion has evidently a strong sympathy with the body whose office he seeks to magnify. It is quite pleasant to observe his implicit faith in the all-sufficiency of the Commissioners, and his easy assumption that the public whom he addresses must prove equally confiding. But we are not so sanguine as Mr. Conolly as to the success of a proposal for vesting in the Commissioners the entire jurisdiction now exercised by justices of the peace over private lunatic asylums in country districts. Nothing is easier than the task of a pamphleteer who, with a decided bias in favour of officials, sits down to frame a symmetrical plan for transferring a branch of local jurisdiction to some central power. The defects of the present system of employing as inspectors unpaid magistrates who have had no special training for their duties, are emphatically insisted on by Mr. Conolly. But some persons may be of opinion that it is quite possible for an inspector of lunatic asylums to have too much instead of too little special training. Long and exclusive devotion to any branch of physical study is apt to generate an inordinate reverence for the rules of science, and a disposition to prefer them to plain facts, and the deductions of everyday experience. Most of us have heard of the hospital physician's indignation at the unruly patient who declined to die until God pleased, and had the audacity to continue in existence twelve hours after the properly constituted authority had declared that he could not survive that night. It is no unjust imputation upon able and upright men to say, that the exclusive jurisdiction of the Lunacy Commissioners over all questions as to the sanity of patients—except in the rare cases of appeals to juries—would scarcely be so clear a gain for humanity as is assumed by the author of this pamphlet. In the metropolitan district, it is true, the Commissioners have already the entire jurisdiction, but it by no means follows that the unpaid magistracy in remote districts ought to be superseded in all their functions by two strange gentlemen from London. We do not, however, notice Mr. Conolly's proposal as deserving off-hand condemnation, for the question is a very grave and difficult one; but it is worth while to observe the sober earnest faith with which officialism from time to time proposes to devour local jurisdictions as the manifest and indisputable remedy for every social ill.

It must be very encouraging to the hungry partisans of Government to see how the press teems with suggestions for increasing the number of well-paid places. We have ourselves urged, as strongly as we could, that some addition to the staff of judges in the Court of Chancery ought to be proposed by Government, even at the risk of displeasing the House of Commons. Then there are demands for a ministry of justice; for simplification of the statutes; for reform in bankruptcy procedure; and for improvements in the administration of the law in the county courts; all which proposals imply, more or less openly, that opportunities for official patronage are to be multiplied, and the charge upon the Consolidated Fund augmented. The authors of pamphlets are not commonly very parsimonious in their appropriations out of the national treasury. But Mr. Conolly, to do him justice, has been careful to propose a tax, as well as to provide for the application of the proceeds of it. There are now, he tells us, six paid commissioners in lunacy; three of

whom are physicians or surgeons, and three barristers. He thinks that the additional duties which he proposes to devolve upon the board, of visiting all houses, whether in town or country, before granting licenses, and of visiting all patients within seven days after their admission, might be satisfactorily provided for by doubling the number of paid commissioners. The salaries and travelling expenses of the new body of officials are estimated at £12,000 a year; and this sum he would desire to see raised by a charge of about 2 per cent. upon the total annual sum paid to the keepers of private asylums on account of the patients received by them. The Commissioners would have the opportunity of inspecting books in the course of their usual visits, and thus the proposed tax would be easy to assess and collect, while the patients would enjoy much more than the full benefit of it in the advantages of more efficient and regular superintendence. It is, in the opinion of Mr. Conolly, no slight argument in favour of his scheme, that "it would be merely an extension of the numbers and powers of an existing body." There are already a regularly constituted board, and office, and secretary, with settled forms and rules of practice, and nothing would be easier than to annex a new province to their jurisdiction. Some persons may, perhaps, think that the facility with which this process might be performed is very far from being a conclusive proof of its expediency.

The qualification now required for legal members of the Lunacy Commission is five years standing at the bar. We are not aware how the numeral "five" came to find a place in the Act of Parliament. Perhaps it was substituted for the more usual "seven," by the official draftsman, for the sake of a little variety; or it may be that these figures are filled in arbitrarily, like the number of acres of land in a declaration of ejectment or the value of a stolen chattel in an indictment under the unreformed law. Mr. Conolly gives no hint that he is not quite satisfied with this exercise of legislative wisdom, and he appears to contemplate with favour the appointment of at least three new commissioners, who shall unite the advantages of a call to the bar five years ago and a sufficiently potent influence with the Government for the time being. But surely no more decisive condemnation of the prevailing rule of eligibility could be found than that which is to be drawn from a scrutiny of the constitution of this commission. It contains six paid members, whose duties—at least in the opinion of Mr. Conolly—are all equally important. Three of them have undergone the courses of study and examination which the colleges of the medical profession exact from all their members. The other three have been under no legal obligation whatever to expend either time, money, or labour in obtaining any sort of official attestation of their freedom from gross incapacity for a most responsible employment. Complaints against private lunatic asylums have been loud, and the public mind has been agitated by the suspicion of worse abuses than any that have been yet revealed. Hasty reasoners have concluded that no such houses should be permitted to exist; but that prohibition, Mr. Conolly argues, would only lead to worse evils. The remedy which he confidently points to is frequent and strict inspection by at least two paid commissioners, one of whom—and this is most important—must be a barrister of five years standing. The present system of inspection in the provinces by justices of the peace and a paid medical assistant he feels no hesitation whatever in abolishing to make room for the full jurisdiction of the Commissioners. But the most active magistrates, upon whom the duty of visiting asylums is likely to be now devolved, are very commonly possessed of this conclusive title to public confidence—they are barristers of at least five years standing. They may boast, with Justice Shallow, that they were once of the Inns of Court; they have eaten dinners in hall; they "have heard the chiming at midnight;" and have otherwise led the life of aspirants to the privileges of advocacy. They are of

good birth; they have the manners and looks of gentlemen; and they imbibed in their youth a moderate share of learning. But they happen to have been eldest sons, and in due time they inherited broad lands, and, therefore, did not need places in the public service. It is on the younger brothers of these very respectable country gentlemen, educated at the same places, and up to the same mark, but with intellects a little sharpened it may be by their hopeless position in the entail of the family estates, that the duty of superseding the squires in the control of private lunatic asylums would most probably be devolved, whether Whigs or Tories happened to enjoy the patronage. We say nothing against the present legal commissioners, or the motives which governed the selection of them; but it is proper to observe that Parliament has given facilities for appointing titular lawyers, who would not necessarily be superior in qualification to the magistrates whom they were intended to displace.

One remark suggested by Mr. Conolly's pamphlet is, that the post of legal commissioner in lunacy would be very suitably filled by an educated and capable solicitor. The necessary qualities appear to be, a cultivated mind; a gentle but firm character; tact and knowledge of the world; and an intellect trained in the study and practice of the law. There is, perhaps, no office which more imperatively demands that he who holds it should be, above all things, a gentleman. The opening of such appointments to solicitors would stimulate a very honourable ambition, and it would be a graceful recognition by the Legislature of their claims to social consideration. If ever it should be deemed necessary to remodel or enlarge the Board of Lunacy Commissioners, the Incorporated Law Society should not fail to urge this just and reasonable demand.

Legal News.

ROLLS COURT.—PRIVATE ROOM.

Thursday, July 29, 1858.

Re Mexican and South American Company—Leatherdale's Case.

Mr. Linklater was heard against the name of Mr. Leatherdale being placed on the list of contributories.

Mr. Travers Smith appeared for the official manager.

The MASTER OF THE ROLLS, addressing Mr. Travers Smith, said—Well, I need not hear you, as I am of opinion that Mr. Leatherdale must be a contributory. I am quite clear on this point. In the first place, I strongly express my opinion, that paying dividends out of capital is a gross fraud, and that it is a fraud which entitles a person who has taken shares in consequence of that fraud to say that he is not a shareholder. I am willing to go even further than that, but I think it unnecessary, inasmuch as that is my clear opinion upon this question.

But can the Court treat a fraud of this description different from other frauds? Now, it is true the Court will say, that if a person has the means of knowledge in his own hands at the time when the transaction takes place, but trusts entirely to misrepresentation, that will not prevent him from setting aside the transaction. But take an ordinary case: Where a deed is obtained from a person by fraud, this Court will not allow that to be set aside, twenty years after the person has ascertained, or has had the means by reasonable diligence of ascertaining, that a fraud was committed upon him, although it may have been a fraud of the grossest nature. The books are full of such cases. There is one case (I forget the name of it now) in which Sir William Grant, in a very gross case, refused relief after the lapse of sixteen years, where a person had known, or had had the means of knowing, perfectly well that the fraud was committed. He said, that time was a bar to relief. The question is, at what period is this to take place? In this case this gentleman has been going on, with respect to ten shares at least, for a period which, up to the present time, seems to be twenty years. You tell me he took the shares in 1838.

Mr. Linklater.—Yes, sir.

The MASTER OF THE ROLLS.—Well, that has gone on for twenty years. He had the means of going to the books of the company and of ascertaining the state of the company. He was entitled to do so; and, although I admit he is not required to

do that the moment he has bought the shares, and that probably the receipt of one half year's dividend would not bar him (on which I do not express any opinion, because it depends on the question of time), yet is he to go on as long as they pay dividends, and then after they cease to pay dividends to inquire whether it is a fraudulent transaction or not? Observe what this would lead to. Persons would buy shares in every company they found paying high dividends; would carefully avoid making any inquiry as long as they paid those high dividends; would go on receiving those high dividends as long as they paid them, and the moment they failed to do so, would turn round and say, I repudiate the whole transaction. It is impossible, in my opinion, that the Court can come to such a conclusion as that. It is, in my opinion, directly opposed to all the principles of equity, and to the mode in which this Court deals with all those cases of fraud. Suppose this company had turned out exceedingly profitable, would not this gentleman have remained a member, and could anybody have said he was not a member? And yet, if you allow him, twenty years afterwards, to say, all this was a fraud in the first instance, and I have not discovered it till now (which I assume to be the case), simply for this reason, that as long as you paid me good dividend I did not think it necessary to make inquiry,—the Court would arrive at a conclusion of the most dangerous description, and at a conclusion which would tend to destroy the means of carrying on commercial intercourse as between man and man, and destroy all confidence in the conduct of mercantile transactions.

I express no opinion about *Brockwell's case*, the details of which I do not accurately know further than they have been stated by Mr. Linklater, and I avoid expressing any opinion respecting the observations of the Vice-Chancellor upon the subject; but I should strongly concur in this, that no person can be made properly answerable for fraud who is not a party to the fraud in a real sense and not a technical sense. Now, when directors of a company make a representation which is false, I call that a direct fraud; because, even if they did not know it was false, it was their duty to know what was the state of the company, and they are answerable for the representations made; but to hold that a shareholder who did not know anything about it is guilty of fraud, would be coming to the dangerous conclusion of making a person guilty of fraud by technicality, and destroying the real effect and meaning of the word "fraud," which in my opinion, in all cases, involves a moral culpability, and which in that case there was not. Therefore, in all those observations that have been read, I fully concur. But here is a gentleman who is a shareholder in a company that has been long paying him large dividends, and he does not inquire into the state of the company, but they go on making representations for a long time, by public reports and the like, and he goes on and adopts those reports, and adds to his shares in the company. In my opinion, so far as he himself is concerned, he has adopted the affairs of that company, and he cannot afterwards say, if I had thought fit to look into the affairs of the company I should have found that in truth they were committing a series of frauds all this time, although it was for my benefit as long as it lasted.

Supposing he had sold these shares just before the company had broken up, would he have come forward then to say that he had been defrauded in this matter? He would have been the last person to do that. It would have been a distinct and direct injury to him to do so; yet there are many persons in a similar situation to that, who take dividends for a considerable length of time, who do not inquire into the matter, and who sell them afterwards to other persons, and who have made no false representation whatever so as to make them liable.

I think I cannot delay this case until after the appeal has been heard before the Lords Justices, in the case to which Mr. Linklater referred. You may take the opinion of the Lords Justices on any case you think fit; but I think it is very proper that, in a case like *Mr. Leatherdale's*, I should hold him to be a contributory on the list.

NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

Wednesday, Oct. 13.

In the department of Public Health, a valuable paper on "Sanitary Legislation" was read by Mr. W. S. McGowen, solicitor to the Health Committee of the town of Liverpool. We subjoin some extracts from this paper, which deserves the attention of our readers, both for its intrinsic interest, and because the author is a practising solicitor.

Mr. McGowen, solicitor to the Health Committee, read the following paper:—

"Upon a candid review of the efforts made during the last quarter of a century, to improve the law of England, it must be confessed, that, although many blunders have been committed, and mischief occasionally done, yet much solid good has been achieved, and few measures have been attended with happier results than those affecting the social condition of the labouring classes.

"It would be foreign to the object of this paper to dwell on the benefits arising from protection being thrown around people occupied in given industrial pursuits, in mines, in factories, in ships at sea. These are very important matters, but secondary to the great question of public health, in which every human creature has a direct interest. Hygiene is not entirely a modern science. In some of its branches there is none more ancient. The scheme of sanitary legislation, inaugurated by the Jewish lawgiver thousands of years since, is a marvel of wisdom. Obedience to its precepts being placed amongst the highest duties—the penalty on breach no less than Divine displeasure—the law became almost self-enforcing with tribes who acknowledged the Almighty to be their King as well as their God. The personal purity enjoined as one condition of temporal success forms a striking feature in the system. The rules for preventing nuisances in the vicinity of large encampments by prohibiting the deposit of offensive matter within their precincts, or its remaining uncovered on the surface of the ground in their vicinity, stand in humiliating contrast with the apathy exhibited on the same point by living generals, down to no recent a date as the Crimean war. The law respecting dwellings infected with the endemic of the country the Jews were to inhabit, would amaze houseowners if practised now, for not only must the place be cleared of tenant and furniture on the presence of the disease being suspected, under pain of heavy forfeiture, but the house must be seraped inside and out; portions of the building taken down and restored; and, if these means proved unavailing, the whole edifice had to be destroyed, and the materials thrown away.

"The importance now justly attached to drainage was equally understood by the first nation who subjugated England. The Cloacas of Rome still remain unsurpassed; and it is amusing to find that a suggestion, made in London last year, for rendering the sewers available for gas and water pipes, by means of platforms and brackets, as supports within the tunnel, a plan which excited great admiration for its supposed brilliancy and novelty, is an invention of antiquity, the platform and bracket being both used (for different purposes) in some of these old monuments of art. Niebuhr describes one arm of this drainage as a "river-like sewer," thirteen feet in height and in width inside. He speaks of others equally stupendous—of a sum equal to £200,000 being spent on one occasion for improving them—and adds that "earthquakes, the pressure of buildings, the neglect of one thousand five hundred years, have not moved a stone out of its place, and for 10,000 years to come they will stand uninjured as at this day." But it is only within the last few years that attention has been awakened in England to the importance of sanitary measures. A revised edition of the *Termes de la Ley* of 1721, the preface of which modestly states that nothing will be found wanting to render the book "absolutely complete and perfect," describes sewers, not as a work, but as "commissioners to inquire of nuisances and offences committed by the stopping of rivers, erecting mills, and repairing of banks and bridges, and to raise taxes for amending all defaults which tend to the hindrance of the free passage of the water through its old and ancient courses."

"When Blackstone* commenced his celebrated lectures this very month a century ago, there was scarcely anything to appeal to beyond the common law for protection of public health. For a general nuisance there lay an indictment, with the expense incident thereto, and the fatal delay of waiting for trial; for private nuisances, an action at law or injunction, with the like attendants. In one case it is held that a judge might, on his own view, order a nuisance to be abated. The judge, however, had first to be caught; and at best these were merely repressive measures, and not preventive. In short, except the 1 Geo. 4, for suppressing nuisances from furnaces of steam engines, a few provisions contained in the Metropolitan Police Act, local legislation for towns here and there on detached subjects—little was done of a really comprehensive character until the Liverpool Sanitary Act was passed in 1846. London, after spending millions to improve her condition, finds she has just succeeded in concentrating her worst nuisances into one great focus, and effectually converting a noble stream into a huge

* The first edition is accompanied by a copy of the first lecture, intitled "Discourses on the Study of the Law, read in the Public Schools at Oxford, October 20, 1766."

disch. "Liverpool must not be allowed more than her due in the undertaking. The necessity for some alteration had been strongly urged upon her from many quarters. The Legislature had been addressed generally on sanitary requirements, and centralisation faithfully discharged its mission by inducing Liverpool to examine into her condition, and begin in earnest to set it right. The principle of the Liverpool Act was purely that of local government. It entrusted enormous powers to the administrators; at the same time appointing for the office the Town Council, comprising gentlemen of the highest character and intelligence; a government sufficiently permanent to induce the members to study the law, popular enough to insure a spirit of moderation, and familiar with local exigencies. The scope of the Act was so to deal with private rights as to make them subordinate to the public welfare. Thus, as the inhabiting of cellars unsuited for dwellings produced great mortality, their use was forbidden. As evil had arisen from houses being built without a proper regard to light, ventilation, or the decencies of life, regulations were established for enforcing attention to these requisites. Summary power was given to justices to suppress nuisances certified by the medical officer as injurious to health, lodging-houses were placed under control, narrow courts were prohibited, open streets insisted upon, a complete system of sewerage for the town ordered, and scavenging regularly systematised. Two important doctrines were established. One, that the owners of property whose cupidity had done harm, and who would have to submit to sacrifices, got no compensation. Another, that the new works should be executed at the cost of the parties to be benefited, namely, the ratepayers, and not, as was lately suggested for London and Galloway, at the expense of others.

Such is the force of good example, or so imperative had become the necessity for similar action in other towns, that the Liverpool Act opened a new era in legislation. Two months afterwards, the Baths and Washhouses Act was passed, as also the Nuisances Removal and Diseases Prevention Act. In 1847 (the year following), the Towns Improvement Clauses Act became law, embodying most of the Liverpool sections. These were followed, in 1848, by the Public Health Act, and the Nuisances Removal Amendment Act; and subsequently, from time to time, by various other measures relating to the subject. The corporation being clothed with authority for grappling with the existing mischief, soon found there was a difficult problem to solve.

One change was of great moment in hygiene, namely, devising a mode for raising funds for sewerage without asking the ratepayers for all the money, at the same time lessening the accumulating expense occasioned by continually borrowing capital, and paying to a sinking fund for its redemption. This was arranged in a manner satisfactory to all parties—capable, with great advantage, of being universally adopted—simply by requiring every house-owner draining his premises into the sewers to bear a portion of the cost, according to the lineal principal frontage of his house, 6s. per yard, thus getting from the premises on two sides of a street a considerable part of the cost of the sewer—the residue from the public. The owner is content, because he obtains an immediate benefit for his outlay; the rate-payers are content, because they are gradually obtaining the completion of the entire sewerage.

From this account of uniform success, where local government has had free play, we may turn to the Public Health Act, which, being in many respects a useful measure, partially failed. The cause of this lay in its excessive centralisation. The London board were virtually the managers; their agents sometimes had an interest in the works. The local board became mere collectors of taxes, and servants obeying orders. Now, the fact is undeniable that the local gentry fit for their business, whether it be sanitary, marine, or any other, are chafed when needlessly interfered with, particularly if the interference be in the wrong direction, as not unfrequently happens. While advice and assistance are gladly received from head-quarters, there is nothing so much abhorred as official functioning. The proper province of the Government is that of a tribunal of appeal, and a collector and distributor of accurate information. It is cheering to note that the new Local Government Act, in name and spirit, conforms to these truths. Matters of great consequence can be carried out under this statute by bye-laws, which can be readily altered as necessity demands. The central board has an extensive control over such regulations, and if it uses its authority discreetly, the Act may be rendered invaluable to the kingdom. This is a great charter; Liverpool claims the credit of having procured the 15th section to be inserted. This can be made of practical utility wherever a local sanitary board is established, as the local authority may, by virtue thereof, apply

any portion of the Act to its district, by merely passing a resolution to that effect, and thus, without expense, exercise power which would otherwise have required a special Act, and in many cases excited fierce opposition.

"3. A doubt may be started by political economists as to the value of the results gained by sanitary improvements, compared with the cost to the ratepayers. Whether the gain in salubrity is not counteracted by the comforts abstracted by rates. Liverpool furnishes a triumphant answer to such gloomy misgivings. The sanitary rates fall lightly on the labouring classes; being levied on house property, the effect of them bears mostly on the landlord. This is equitable, because the property-owners have their estates increased in value or destroyed as sanitary improvements are advanced or neglected. The landed interest are deeply interested in having the population spread over a larger surface, which is one of the chief objects of the whole proceedings. The rich are, moreover, physically concerned in the fate of the poor, as epidemics, when once created, are no respecters of persons. The abstract value of individual life to the community may be difficult to ascertain. That it is of value is seen on contemplating the effect of general decadency. The enormous cost of crime, that is, of means adopted for protecting limb and life, is another proof. Individual vigour maintains the character of the kingdom. Certainly, every life is estimated by the owner. Under proper local management, sanitary rates are a subscription to assure each person his full term of existence. The question need not rest on general reasoning—in the coarsest form, as a mere matter of money. Hygiene can be shown to yield an immense profit on funds judiciously expended in her service. The life of every person is of pecuniary value to the community, to the extent to which he earns more than he consumes. McCulloch takes the simple case of the savage, who kills more than he can eat, and has some to spare. The result in civilised life that he gets is, to take the pecuniary value of a farm labourer's life to the community at about £250. In towns where skilled labour is employed the value will be higher. In Liverpool the mercantile men often realise fortunes; many earn large incomes. Taking this increased value on one side against the slightly diminished life in a town on the other, £300 is a low figure to assign as the pecuniary value of a productive male life. The 3750 lives saved, of which Dr. Duncan speaks, may, for the sake of computation, be taken as being half males and half females. Of the males, at least 4-10ths, or 750, will be productive, and these, at £300 each, will produce £225,000. About the same number of people would be adult working women; that is, mothers or persons engaged in labour. The loss arising from the death of a mother is pecuniarily great, hence the value of the 750 adult productive female lives saved may be taken at half the value of the men's; that is, £150 per life, £112,500. The population of Liverpool exceeds 400,000, containing at least 70,000 families, to whom, in an unhealthy town, the loss occasioned by incapacity to work, consequent on sickness and expenses, would be considerable. We may safely set down for each family a loss of £4 under this head, which, in a town made healthful, is saved, representing £280,000, or an aggregate of £617,500. By a return prepared by Mr. White, treasurer to the health committee, it appears that during the eleven years the Sanitary Act has been in operation, there has been expended by the ratepayers on sewerage work £704,010; road-making, paving, and flagging, £303,983; engineering, surveying, scavenging, inspecting, law, and incidentals, £281,088; representing the exertions of Liverpool by a sum of £1,289,091. This is exclusive of expenses for supply of water; which may be treated as a vendible commodity, obtained by the consumer at less cost than he could procure it himself. Much of the money in Mr. White's return does not constitute a charge for health. Liverpool requires a large supply of cartage. With bad roads the cost thereof would be high—wear and tear, loss of time, &c., heavy; with good roads such expenses are reduced to the minimum. Bad footways impede business, injure house property, hinder people from getting into shops and markets. The probability is that all the cash spent on roads and footways has been repaid by the cheapness and ease with which traffic is conducted, saving of repairs, &c. The sewerage works are open to a like argument. In applications to the authorities for drainage, the common reason given by landlords is, that the tenants will leave; by tenants, that the house cannot be endured unless relief be granted. If cesspools are used, they are a source of continual expense, and offensive in the extreme on being cleansed. The same rule applies to the items for engineering, surveying, and so forth, because everything depends on the skill exercised in draining and executing the works; it is

an essential part of the cost of them. It will be well within the mark to strike off one-third of Mr. White's bill as not chargeable to health, but to trades, &c., reimbursed to the payers. This would make the cost of sewerage works £859,387. As such works are estimated to last thirty years, they will continue their operation as life-saving causes during that period. Therefore, taking the value of life saved at £17,500, and reckoning it at only 25 years purchase, it would produce £16,437,500. Deducting from this the outlay, £859,387, and the liberal sum (to represent the cost of private drainage) of £200,000, there will be a gain of £15,378,113. This is irrespective of the value to each person of his own life, minus the pecuniary value to the community—of infantile life saved—which, when lost, is a dead loss of all the life has had expended on it—of adult lives already saved during the progress of the work, and the mental, as well as bodily suffering prevented, which are incapable of reduction to a money standard.

"The local authority for effecting sanitary improvements should consist of the highest class of persons obtainable, above suspicion of party or jobbing, with whom the central board should not unnecessarily meddle, but be content to act as arbiter on disputed questions of principle; as, for instance, what are proper bye-laws under the Local Government Act, 1858; the time for setting the Diseases Prevention Act in operation; making orders thereunder; and the like. The chief of the London board should be responsible to Parliament. The immense importance of his duties would justify its being entrusted to a Cabinet Minister. The local authority, subject to appeal, might securely be trusted with larger powers; such, by way of illustration, as to enable it to effect an improvement out of rates like that of the Liverpool Improvement Act, 1858—namely, to sweep away an incurable neighbourhood. Why put the ratepayers to the expense of a Parliamentary inquiry on such an issue? Committees of the House of Commons—rightly or wrongly—in their judicial capacity have not the confidence of the country. Formerly, the inclosure of commons and wastes required a special Act. Now, a commissioner institutes an examination, makes a provisional order, and in the ensuing session a general Act confirms his proceedings. This has worked well. Important interests are summarily dealt with under the Burial Acts, by a commissioner holding local inquiries, and reporting—his reports, after due notice, and no cause shown, being converted into Orders in Council. This has worked well for the public. So, by the Highway Act, property may be taken for widening a street subject to appeal to sessions. Machinery can therefore be easily devised, by which the local authority can be enabled to do more, and be checked, if attempting to do wrongly."

THE PRACTICE IN THE MAGISTRATES' COURTS, LANCASTER.

The magistrates for this borough met on Thursday, 28th ult., for the purpose of considering two memorials which had been presented for their consideration, the one from the Lancaster Law Association, and the other from the Law Students' Debating Society. The following was their resolution:—

Resolved—That none but counsel, attorneys, and attorneys' clerks, be allowed to appear in this court, and that no clerk be allowed to appear, or otherwise conduct proceedings herein, unless he shall have served, at least, three years, or completed a clerkship, under articles.

The county magistrates having fixed Saturday, Oct. 30, for giving a final decision on this subject, several members of the Law Association, together with Mr. C. T. Clark, solicitor, attended the Court. Mr. Clark made a speech of considerable length in support of the memorial of the profession. The following decision was come to:—

Resolved—That none but counsel and attorneys shall advocate causes, or otherwise conduct proceedings in this Court.

LANCASHIRE WINTER ASSIZES.

Official notice has been given by the prothonotary that a commission will issue for the trial of *civil causes* at the ensuing winter assize at Liverpool. It is expected that the commission day will be about the 10th of December, and that Erle and Crowder, JJ., will be the judges appointed by special commission.

Sir William Hodges is the judge on circuit at the Cape. We hear that the first hundred miles of his journey "impressed him with horror," as to the difficulties and dangers of travelling in the colony.—*Graham's Town Journal*.

The French Tribunals.

CORRECTIONAL TRIBUNAL OF PARIS.—SIXTH

CHAMBER.

(President, M. BEAUSIERE).

GENERAL DISCOUNT COMPANY.—SWINDLING.—BREACH OF CONFIDENCE.—INFRACTION OF THE LAW TOUCHING COMPANIES EN COMMANDITE PAR ACTIONS.—PLEA OF INCOMPETENCY.

Sept. 14, 15, 20, 22.

The defendants in this action were J. M. Joseph-Antoine Prost, manager of the General Company of Caisse-d'escompte; 2. MM. Casimir-Jean-Baptiste Bonnin, Numa Guillon, Achille-René de Fesnois de Leven, Alphonse Jardin, and Charles-Louis-Paul Count de Chateaubourg, all members of the council of supervision of the said company.

M. Antoine Prost was accused,

1. Of having, less than three years ago, at different times, at Paris, by employing fraudulent means for raising a belief in an imaginary credit, and for causing to grow up a hope of gains and successes quite chimerical, caused to be allowed to him sums of money, on the ground of advantages simulated and fictitious, which were represented as gained by the shareholders and management of the company "en commandite," called the General Company of Caisse-d'escompte, and of having thus swindled others out of the whole or part of their fortune.

2. Of having, in 1857, at Paris, being manager of the said company, by means of fraudulent inventories, caused the distribution among the shareholders of dividends not really acquired by the company.

3. Of having, in May, 1857, at Paris, by pretence of a subscription of 18,669 shares of the said company, obtained and tried to obtain subscriptions and payments.

Offences punishable by article 405 of the penal code, and article 13, as 1, 2, & 4, of the law of July 17, 1856.

The five members of the council of supervision were accused of having, at Paris, in 1857, being members of the council of supervision of the said company of which Prost was manager,

1. Allowed knowingly in the inventory of 31st May, 1857, irregularities prejudicial to the company or to third parties;

2. Consented at the same time, with full knowledge of the state of things, to the distribution of dividends not justified by correct and regular inventories.

The five members of the council of supervision were defended by Maitres Moreau and Dromery, avoués.

At the opening of the case, Maitre Lachaud, their counsel, read conclusions, of which the object was that the Tribunal should declare itself incompetent. M. l'Avocat Impérial Ducreux maintained the competency of the Tribunal. In conformity with his conclusions, the Tribunal declared itself competent, and ordered a trial on the merits. Maitre Dromery declared that it was his clients' intention to put in an immediate appeal, and asked a delay of a few minutes that they might go to the office and get a copy of it in due form. The hearing was accordingly suspended. At the renewal of the hearing, Maitre Lachaud, producing the extract of the appeal which had been put in, said, "Now that the appeal is put in, the question of competency remains undecided, the appeal being suspensive. I suppose there is no occasion to explain on what principles. They are incontestable." M. l'Avocat Impérial found them far from incontestable in the particular case, and the Tribunal rejected the plea, and proceeded to try the case on the merits.

The five members of the council of supervision then allowed judgment to go by default, and left the court with their advisers.

Maitre Rivolet, in the name of MM. Franguin, Denouille, and Laguerie, acting as judicial liquidators of Prost & Co., proposed conclusions thus conceived:

"Whereas M. Prost is not proceeded against in reference to acts anterior to 1855: as then the liquidators cannot bring conclusions before the Tribunal in reference to such acts any more than in reference to others which are matters of complaint, but are not the subject of the accusation; as they must, consequently, confine themselves to making all reservations. Whereas it results from the facts of the case that by means of the frauds described Prost got into his hands money to the amount of 378,317 francs 44 cents. Whereas, touching the distribution to shareholders other than Prost of fictitious dividends, and the pretence of subscriptions or payments, these acts were evidently prejudicial, but the liquidators have not at present the necessary elements for calculating the loss resulting therefrom, condemn Prost to pay to the liquidators, and as restitution, the sum of 378,317 francs 44 cents, with interest, &c."

Several witnesses were called, of whom the most important were M. Gustave Argant, sub-director of the *Credit Portugais*, of which Prost was director; M. Pernet Vallier, "expert," judicially appointed to examine the accounts of the company; and M. Daste, banker at Paris, who, in 1857, became director of the Portuguese *Credit Mobilier*.

The examination of M. Pernet Vallier produced the following statement:—The company of *Caissees-d'escompts* was formed by M. Prost, April 6, 1852, with a capital of three millions; its organisation and ends were those of banking-houses in general. Before the first inventory, in March, 1853, there was a first modification of the statutes; other modifications were made in them in January, 1854, and June, 1856; in 1856, the capital was raised from three millions to thirty. In the first three years, the company confined itself to establishing *Caissees-d'escompts* in the provinces. In the first inventory, the profits were 14,000 francs; the expenses were 68,000 francs; leaving a deficit of 54,000 francs; nevertheless a dividend of 3 per cent. was declared. In the second year, the profits were 22,000 francs; expenses, 115,000 francs; deficit, 93,000 francs; yet the same dividend was paid, and interest besides. In the third year the deficit was 102,360 francs. New enterprises were then entered upon; first came the "*Banquiers Unis*," with a capital of 500,000 francs, M. Prost for its manager, and accounts undecipherable; then was started a journal, to puff the undertaking, called the *Credit Public*. This journal had no influence, so *L'Estafette* was purchased. At the end of the fourth year was started the great Spanish company, with a capital of 105 millions; the financial result of this year was a deficit of 333,003 francs 18 cents.; nevertheless, a dividend of 10 per cent. was paid. In the fifth year came the Portuguese *Credit Mobilier*, with a capital of twenty millions, and the railway Guillaume Luxembourg, with a capital of thirty-five millions; the purchase of building ground in the twelfth arrondissement for 1,200,000 to 1,500,000 francs; the purchase of the "Enghien" baths for 100,000 francs, upon which the capital advanced amounted to 2,000,000 francs; the publication of the *Annuaire de la Bourse*, by which was lost 62,000 francs; the transformation of the "*Banquiers Unis*" into the "*Credit Public*," the purchase of the journal *La Verité* for 245,000 francs; the transformation of this journal into the *Courrier de Paris*, with a capital of 1,500,000 francs. At the end of this the original capital was raised from three to thirty millions. And yet at this epoch the situation was bad; there was a deficit of 1,027,578 francs 67 cents.; a dividend had been paid of 19 francs 25 cents. per share; 16,066 shares had been subscribed, and had produced only 8,033,000 francs, not counting nine millions of fictitious subscriptions. The general estimate for the whole time elapsed at this epoch shows a deficit of 1,407,396 francs 17 cents. M. Prost's method of proceeding was the following. In the original statutes, article 27 declared that general expenses should be deducted before estimating the profits; and article 30 provided that the general expenses should be paid off from year to year, by fifths. Well, in the very first year, 1853, article 30 was modified, by changing fifths to tenths. Article 27 was not touched, yet for the first three years no deduction for general expenses was made; besides which, there was no publication of the modifications. Article 29 declared that in the first five years no distribution exceeding four per cent. should be made; M. Prost distributed ten per cent., thereby getting for himself 120,000 francs. In 1857, at the time of the inventory of May 31, the book-keeping was so irregular, that no sure conclusion could be arrived at, except that the representations of the situation were false. For himself, M. Prost would appear to have received 556,213 francs 19 cents, not in hard cash, but in realisable equivalents.

M. Prost, in his examination, declared that he was not bound to publish his modifications of statutes; that he had no fraudulent intentions; that the council of supervision and shareholders all knew what he did, and authorised him to do it; and that his counsel, Maitre Du Miral, would throw light upon the transactions, and exonerate him altogether.

M. l'Avocat-Imperial Ducreux then delivered a speech for the prosecution of M. Prost, denouncing him as the dissipator of ten millions, and demanding a severe sentence against him, and against his too complaisant council of supervision the application of article 10 of the law of 1856.

Maitre Rivolet, counsel for the 'parties civiles,' the judicial liquidators, was then heard.

Maitre Du Miral, counsel for M. Prost, contended that it was "the intention" which the law punished, and that was wanting in M. Prost; expressed himself confident that neither article 405 of the Penal Code nor the law of 1856 could be

enforced against him; and concluded by urging that he was punished sufficiently by the ruin he had brought upon himself.

After a short suspension, Maitre Rivolet spoke for the liquidators; and M. l'Avocat-Imperial and Maitre Du Miral replied. The Tribunal, after deliberation, delivered the following judgment. As touching Prost:—

"Whereas it results from the investigation and the pleadings that from 1853 to 1857, especially in the last three years, Prost, managing director of the company of *Caissees-d'escompts*, on the one hand, by exempting himself from rules and obligations which were binding upon him by the statutes of the company formed April 6, 1852, by diverting it from its end to thrust it into enterprises most hazardous and dangerous, and by not having published in conformity with articles 42 & 46 of the Code of Commerce, important modifications introduced into the management of this company, modifications moreover voted by pretended general meetings, which presented nothing bona fide either in the composition of the assemblies or in the regularity of the deliberations; on the other hand, by raising in the inventories and in the returns at those general meetings the amount of the sums realised, and by distributing to the shareholders dividends not real but abstracted, each year, from the capital; thus managed, by means of those fraudulent dealings which had for their object the establishing belief in an imaginary credit, and the causing a hope of gains and successes both chimerical, to procure the issue of a considerable number of the company's shares, and consequently to get allowed to himself sums of money on the ground of pretended and fictitious profits, and thus to swindle shareholders and third parties interested out of sums amounting to more than 500,000fr., an offence foreseen and punished by article 405 of the penal code."

"As touching the damages demanded:

"Whereas, according to the terms of article 1382 of the Code Napoleon, every act of a man which causes loss to others, obliges him by the fault of whom it is brought about to repair it;

"Whereas, the Tribunal has the elements necessary for valuing the loss occasioned, as well by Prost's appropriation of profits as by his receipt of dividends;

"Whereas, touching the other claims for reparation, the Tribunal has not grounds for valuation.

"As touching the members of the council of supervision, defaulters.

"Whereas, it results from the investigation and evidence that Bonnin, Leven, Guillon, Jardin, and Chateaubourg, being members, &c., knowingly suffered in the inventory of May 31, 1857, the commission of irregularities prejudicial to the company and to third parties; and that at the same time they consented, with knowledge of the circumstances, to the distribution of dividends not justified by straightforward and regular inventories;

"By these motives, making application, as to Prost, of article 405 of the Penal Code 13, ss. 1 & 3, of the law of July 17, 1856, and 1382 of the Code Napoleon; as to the members of the council of supervision, of articles 10 & 15 of the same law of July 17, 1856;

"Condemns Prost to three years imprisonment, 1600 francs fine, and costs of the suit; condemns him, also, to pay 558,917 francs 44 cents, by way of damages;

"Orders, in respect of the other damages, inappreciable at the present moment, that accounts shall be furnished.

"Fixes at five years the imprisonment for default in the case of Prost;

"Declares Bonnin, Leven, Guillon, Jardin, and Chateaubourg, jointly and severally responsible, civilly, with the manager in the matter of the condemnations pronounced against him;

"Limits, in the case of members of the Council of Supervision, the imprisonment for default to two years;

"Condemns the 'parties civiles' in all costs, reserving their right of proceeding, as well against Prost as each of the members of the Council of Supervision."

Correspondence.

DUBLIN.—(From our own Correspondent.)

PRACTICE OF THE LANDED ESTATES COURT, IRELAND.*

The code of rules prepared by the judges of the New Court having received the approval of the Lord Chancellor and Lord

* An abstract of the Landed Estates Court Act (21 & 22 Vict. c. 73) appeared in the *Solicitors' Journal*, ante, pp. 601, 602, 503.

Justice, has just been published. These rules are framed with such attention to detail, that they may be said to comprehend the entire practice of the Court. Experience of their working alone can show whether they are an improvement upon the rules of the Incumbered Estates Court, or the reverse. Judging, however, from a hasty comparison of the two, we apprehend that much of the comparative simplicity of procedure which rendered the Incumbered Estates Court so popular and successful, has been sacrificed to a kind of formalism which is apparently regarded as a necessary incident to a tribunal of more permanent character and wider jurisdiction. Most of the documents filed will be longer; the steps to be taken in the progress of the suit or matter will be more numerous; and, as a necessary consequence, the cost of proceedings will be increased. This is an important set-off against the advantages conferred upon unincumbered proprietors, vendors, and vendees, by the new Act; and it remains to be seen whether the business of the Court will be affected by a more complex procedure, or whether, on the other hand, the benefits arising from an enlarged jurisdiction will reconcile the public to the change, and keep the Court under its new aspect as fully occupied as ever.

The code of rules just published, if set out at length, would occupy three entire numbers of the *Solicitors' Journal*. In order to bring the substance of these rules within a reasonable compass, we have prepared the following abstract of such of them as, not being in the nature of mere office regulations or directions in matters of detail, may be supposed to be of some general interest to lawyers in other parts of the kingdom.

Petitions, and Orders thereon. (Rules 10—25.)

Every application to the Court for a sale, partition, or exchange of any lands, or for a division of intermixt lands, or for a conveyance to a vendee, or for a judicial declaration of title, or for the execution of any order or decree made in Chancery or in Bankruptcy, for sale of land, shall be made by petition (in the form therein described), which shall state clearly the petitioner's case, and shall be signed by him or his counsel or solicitor, and shall be verified by affidavit. To every petition shall be annexed a schedule, setting out full particulars of the land in question, and of all tenancies thereon, and of all rights and easements existing in relation thereto. And if any incumbrances exist, they are to be fully set out in a second schedule to the petition. Petitions relating to "settled estates" (19 & 20 Vict. c. 120) are to set out a number of additional facts and statements, the truth of which shall, if required, be proved before any order is made on the petition. Every petition is to be accompanied by a copy for the use of the Court, and copies of such documents as decrees or orders, contracts for sale, &c., as the circumstances may render necessary. Petitions are to be sent before the judges in rotation; and a certificate of the filing is to be given to the solicitor, in order that a *lis pendens* may be registered. Amendments, duly verified, may be made by leave of the judge, or an amended or supplemental petition may be filed with such leave. The order made by the judge is to be in the first instance a conditional one; except where the petition is for the execution of a decree or order of the Courts of Chancery or Bankruptcy, in which case the order may be absolute in the first instance. The conditional order, after service on such persons as the judge may direct, is to remain in force for one month only, and then, unless made absolute, is to stand discharged, unless the judge shall otherwise order. Where the petition is for a declaration of title, advertisements must be published of the application, before any order can be made.

Appearance; Making Order absolute, and Proceedings consequent thereon. (Rules 26—33.)

Any person served with an order, or having an interest in the lands, or claiming to have an incumbrance thereon, may, by himself or a solicitor, enter an appearance in the petition matter (in the form directed), which may be general, entitling him to notice of every subsequent proceeding, or special, entitling him to notice of the particular step of which he desires to be informed. The judge may vacate an appearance, or convert a general into a special one. It is provided, that it shall, nevertheless, be the duty of the solicitor having carriage of the matter, to give notice of any motion, &c., to any person whom he shall know to be interested, or who ought to be heard thereon, although such person may not have entered an appearance. Notice of entering or of withdrawing every appearance is to be given to the solicitor having carriage of proceedings. Any person desiring to show cause against a conditional order on a petition must, during the time limited for that purpose, enter an appearance, and file an affidavit as cause, and give due notice thereof. The time having expired without any affidavit

being filed as cause, on proof being given of service, &c., the order will be made absolute. When the order is made absolute, every person having in his custody or power any deeds or other documents relating to the land the subject of the petition, or any part thereof, and which may be necessary for making out or proving title, shall, if so ordered, bring in and lodge in court, on oath, all such deeds, &c.; and every person in receipt of the rents of the land, either as owner, creditor, or receiver, shall, if so ordered, furnish on oath a correct *rental* thereof. The judge may make such order as may be just as to the lien of any person lodging such deeds, &c., or as to the payment of the costs of lodging them, or of furnishing such rental. The solicitor having the carriage of the matter is to obtain and lodge in court, within ten days after the order is made absolute, a copy of the valuation and survey of the lands, from the office of the Commissioners of Valuation in Ireland.

General Notice, Claims and Objections, Special Notice. (Rules 34 to 38.)

A fortnight from the date of the absolute order, the solicitor having carriage of proceedings is to prepare a notice which, after being settled and approved of by the Court, shall be published by advertisement in the papers, or otherwise, as may be directed. This notice is to state the nature of the order, and specify all the parcels of land, and shall call upon every person claiming title to, or any interest in, the estate, or any right or easement thereon, to enter an appearance in Court, and lodge a verified claim, setting out the nature of his right or interest, &c.; and such notice shall especially be directed to contiguous owners as therein stated. Claims by mortgagees, adjoining proprietors, and others, are to be prepared in a certain form, and whereby creditors are to specify the interest due, &c. It is provided that a creditor who has proved his demand in Chancery shall be bound to file a claim. After claim filed, notice thereof is to be given to the solicitor having carriage of proceedings; who, if he shall consider it ill-founded, shall be at liberty to file an objection, also verified; but although no objection be filed, every claim shall be established by sufficient evidence, unless it be admitted by some person competent to bind by admission the estate, and all persons interested in opposing such claim. After the particulars of the tenancies on an estate have been ascertained, a "special notice to tenants," setting out their names, and all the particulars of their tenancies, is to be served, and in the form directed; which notice, after being settled and approved of, shall be published and served in such a manner as that it may be made known to all the tenants and the adjoining occupiers; and any person dissatisfied with the statements in the notice may file a claim in Court, stating his case.

Abstracts of Title; Searches; Rentals.—(Rules 39—53.)

The abstract of title is to be lodged, where the estate is unincumbered, in a week after the petition has been filed. The abstract of title to an incumbered estate is to be lodged in two months. In either case all deeds and other muniments of title must be lodged in court, along with the abstract. The time allowed for lodging the abstract (as all other periods within which proceedings are directed by the rules to be taken) may be extended at the discretion of the judge. Material facts stated in the abstract of title (as deaths, intestacies, &c., &c.), must be proved by affidavit; and strict evidence must be furnished of the loss of any material deed referred to in the abstract, as also secondary evidence of its contents. The abstract, after having been read by the examiner, and by him compared with the deeds, is to be laid before the judge; or if deficient in any particular, a further abstract must be lodged. After title has been satisfactorily made out, the proper searches will be directed; and these are to be made by the solicitor having carriage of proceedings. After the proper searches are completed, a rental of the estate is to be prepared, and settled by the examiner, on notice to all parties interested,—disputed matters of law, &c., being reserved for the judge, by whom the final directions incidental to a sale, or declaration of title, will then be given.

Sales, Conveyances, and General Practice of the Court.—(Rules 54—102.)

The time, mode, and place of the sale, which may be either by public auction or private proposal, will now be directed. Sales in the country will not be absolute until confirmed by the judge. Otherwise all sales will be final, and will not be set aside merely on the ground of advance in price. Purchasers, when so declared, will have fourteen days for lodgment of their purchase-money; after that time interest at 5 per cent. will be charged; and in case of default in payment, an attachment will issue. After payment of purchase-money, and

interest, if any, a purchaser will be entitled to prepare and lodge the draft of a conveyance to him, which must be approved of by the solicitor having carriage of proceedings, and settled by the examiner, and, after being engrossed, and duly stamped and sealed, will be executed by the judge. Declarations of title are to be prepared in the same manner as conveyances—allowing for their different form; but before execution, they are to be advertised in such newspapers as may be directed. If the estate to which title has been made be subject to any charges or incumbrances, it will be the duty of the solicitor, within a specified time, to bring in a draft schedule of them, together with all the documents necessary for ascertaining their nature and amount. This, after being settled by the examiner, is to be lodged with the clerk of the records for inspection by persons interested, to whom a notice of such lodgment is also to be sent, and such other notices thereof are to be served or published as may be directed. After the expiration of a month, the schedule is to come before the examiner in the presence of all parties interested, for proof of claims, computation of sums due, &c., all disputed questions of law or fact being reserved for argument before the judge. Notice of the hearing before the judge is then to be given, and the final allocation of the funds in Court to the credit of the matter immediately follows. Although no fees are payable on any proceeding in the Court, a duty (3 per cent.) is to be levied under the Act on all estates to which title is to be made by means of the Court, whether for purposes of sale, partition, or otherwise. This duty is to be levied at the final stage of the proceedings, in the manner prescribed by rules, and, if necessary, a valuation will be made, for the purpose of assessing it. Orders for partition, exchange, or division of intermixed lands are (like conveyances) to be drafted by the solicitor concerned, settled by the examiner, and laid before the judge for approval, after which they are engrossed and sealed in the registrar's office. Notices of motions and applications (unless personal service be specially directed) are to be served through the "notice department" of the registrar's office—all that is required to be done by the party serving the notice being, to lodge a sufficient number of copies of the notice with stamped and directed envelopes. Two clear days notice of every application to the judge is to be given in all cases. In the absence of any special direction, orders are to continue in force for twelve months, and no longer, unless they be in their nature continuing or final orders, or unless they shall be renewed or continued by order of the judge. Witnesses are to be examined, *viva voce*, before the judge, and examinations and cross-examinations are to be taken down by the clerk in court. Any person who shall have filed any affidavit is liable, after due notice, to be brought up for cross-examination before the judge. When necessary, a commission to examine witnesses may issue by order of a judge, and the proceedings to be taken thereunder are fully indicated by the rules.

The above is a brief outline of all the "General Rules," except such as relate to solicitors and costs; and these subjects we are compelled to hold over, for want of space.

INSOLVENT COURT.—INTEREST OUT OF SURPLUS ESTATE.

To the Editor of THE SOLICITORS' JOURNAL & REPORTER.

SIR,—Can any of your readers explain upon what principle it is that creditors are not allowed interest upon their demands out of a surplus estate at the Insolvent Debtors Court, whilst they obtain it at the Bankruptcy Court? for I am unable to discover any sound reason for the distinction, and hope, when the attention of the Legislature is drawn to it, that it will be abolished, and insolvency creditors be placed upon a more equitable footing.

In bankruptcy, all creditors, whether their demands originally bore interest or not, obtain interest (in a certain prescribed order) out of a surplus estate, as a matter of right, independent of the discretion of the Court (12 & 13 Vict. c. 106, s. 197). In insolvency, on the other hand, not only do the simple contract creditors fail to obtain it, but the interest on specialty and other interest-bearing debts is actually stopped as from the date of the insolvency, and the Court has been obliged to hold (*Imwood's case*, L. T., May 11, 1858; *Rochford's case*, L. T., July 17, 1858) that it has no power to assist the creditors in such cases, nor any discretion, but to hand over to an insolvent all the surplus that may remain of his estate after payment of simply 20s. in the pound, upon the principal of the debts proved.

The old, and long since repealed, statute of Geo. 3, c. 103, (ss. 17, 22) did confer on the Insolvency Court a discretionary power of allowing interest out of a surplus in certain cases, but the repealing statutes contain no such provision; whether by acci-

dent or design it would be difficult now to ascertain. The result, however, has proved most unjust to creditors, especially to the specialty ones, who must find it difficult to understand why insolvents should be so far favoured as to be replaced by a court of law in the enjoyment of their property, without paying the same amount of interest as they would have had to pay if the Relief Act had not been called into operation; and cases may be easily imagined in which it must prove a profitable speculation to an embarrassed man of good expectations, to stop his creditors' interest by means of the Relief Acts, and thereby enable himself to enjoy at a future time his fortune intact, subject to the mere payment of 20s. in the pound, on the principal of his original debts; and it may be at a time when the interest on them has amounted to as much, or more, than the debts themselves.

Since the Legislature has thought fit, by the Bankrupt Law Consolidation Act, which is the most modern piece of legislation on the subject, to give to all a bankrupt's creditors, even those on simple contract, interest on their demands, I can see no reason why creditors of an insolvent should not now receive an equal favour; but whether that be conceded or not, there certainly can be none why an insolvent should not be denied any surplus until his specialty and other interest-bearing creditors shall have been paid the same amount of interest as they would have been entitled to if the Relief Act had not been appealed to.

It is to be hoped that the framers of the new measures, reported to be in contemplation for the amendment of our insolvency laws, will take care that this matter is put upon a more satisfactory footing.—I am, Sir, your obedient servant,
November 4, 1858. A SOLICITOR.

Reviews.

The General and Quarter Sessions of the Peace; their Jurisdiction and Practice in other than Criminal Matters. By HENRY LEEMING, Esq., Barrister-at-Law, and RICHARD ASHETON CROSS, Esq., Barrister-at-Law, M.P. Sweet; Stevens & Norton. 1858.

The "whole duty of man," when the man happens to be a justice of the peace, is a theme, the full development of which is beyond the powers of modern text-writers. At an earlier period, when the statute book had not yet so immoderately exceeded the size to which we are told it is some time or other to be again compressed, the text was creditably handled by Lambard, Dalton, and Burn. But we do not remember any of note who have grappled with the whole subject after the fane of these worthies, except by way of continuation. Dickinson attacked the quarter sessions. Nolan contented himself with the poor law. And even the indefatigable Archbold quailed before the task, and subsided into a "Magistrate's Pocket-book" of moderate pretensions, and treatises upon detached portions of sessional practice.

As some magisterial functions can be performed by a single magistrate, others only by two or more jointly, and others again only in their more formal meetings, known as the general, quarter, or special "sessions," an obvious method of selection is thus afforded to writers on justices' law. Messrs. Leeming & Cross have chosen to confine themselves to "the jurisdiction and practice of general and quarter sessions" only, and have narrowed their ground still more by leaving out all the duties of justices in such sessions which are connected with criminal law; for (say the authors in their prefatory remarks) "the criminal law can hardly be said to form part of the law peculiar to sessions, but rather forms a complete subject of itself, and as such has often been fully discussed."

Having thus marshalled their precise position in the literary arena, it next becomes our duty to give our opinion of the way in which Messrs. Leeming & Cross have there acquitted themselves. We must premise that the work consists of three chapters—the first treating of the sessions generally; the second of their original jurisdiction; and the third of their appellate jurisdiction. And to these there are added, by way of appendix, certain pages of additions and corrections.

Now the critic who would impartially weigh the merits of such books as may come before him is bound, as a preliminary measure, to examine into the ethics of that trade, by which books are supplied by authors, through the medium of publishers, to meet the appetite of the public. The code varies, of course, to a certain extent, with the nature of the work; but in reference to those sold as the vehicles of information upon special and technical subjects, we apprehend that its canons do not admit of much dispute. In a manual purporting to treat of

any particular branch of law, the purchaser may surely expect to find the whole of the law thereon up to the day of publication. But what if before that day, but after the book is written—may printed off—the law is altered? Is the inconvenience thereby necessarily caused either to one or other of the contracting parties, to fall on the author or on his readers? Are the latter to do the work of the former by a painful, and perhaps unlearned, consideration of how the text is affected by the more recent law; or must the writer undergo the additional labour and expense of altering such portions of his work as have been made erroneous? For ourselves, we have not the least hesitation as to the proper answer to this question. The *damnum* may be admitted, but it is a *damnum absque injuria*. There is no necessity that a man should publish at any particular period, nor, indeed, that he should publish at all; but there is every necessity that one who walks into the shop of Messrs. Butterworth, or of Messrs. Stevens & Norton, and there purchases a law book, should find in its text all that he could reasonably count on, judging from its outward appearance and the price charged.

Now, weighed by this standard, we regret to say that the present work seems to us to be inexcusably deficient. It so happened (unfortunately enough for the authors) that the session of 1858 was fertile in measures which affect "the jurisdiction and practice" of the general and quarter sessions of the peace. At its close, there appeared some half-dozen statutes or more of this description, to which the sheets of their treatise (which by that time had been already printed off) contained not the slightest allusion. For example, by 21 & 22 Vict. c. 73, the subject of dividing sessional courts for the better despatch of business was remoulded, and the various enactments set forth at pp. 12 & 13 of their work, as the existing ones, were repealed. By c. 68, additional regulations were made with regard to detached parts of counties, which made the statements at pp. 37, 38, altogether defective. An entirely new machinery had been provided by 21 & 22 Vict. c. 92, for vesting in the clerk of the peace for each county property purchased or hired, and contracts made, by the justices for county purposes. New arrangements had been devised for the assessment of county rates in certain cases, by 21 & 22 Vict. c. 33. In short—not to go minutely through the list furnished by Messrs. Leeming & Cross themselves, in their "additions"—a Parliamentary shell had fallen on their work, displacing, in its explosion, a line here and a paragraph there in a manner truly annoying.

What they *should* have done under the circumstances was to have resigned themselves to the stroke, "picked up the pieces," and cancelled such of the sheets as had been injured—supplying their places with fresh ones. To this course there would have been no mechanical difficulties which could not have been overcome by the help of a little dexterous manipulation; and though it would have been productive of fresh expense in the outset, the old proverb as to honesty and policy would probably (even financially speaking) have made all right in the end. What they *did* do was to publish the sheets as they stood, and simply to add ten pages of "additions and corrections," in which are set forth the new enactments. It was not, however, considered proper to explain this device, or the need for it, either in the title page or in the preface—the latter bearing date "August, 1858."

Leaving, however, the authors to settle with the public as they best may the propriety of this expedient, we will proceed to examine a little into the manner in which the work is performed, without reference to the statutes of the present year.

Here, at least, all should seem straightforward sailing. The most resolute defender of appendices, such as those of which we have spoken, will not extend his axis to omissions of earlier statutes bearing on the subject matter of the work. But even here we feel some alarm lest the casuistry of the authors should prove too much for us. "The book" (say they) "is not intended as a substitute for, but only as a *guide* to, the statute book." And what amount of omitted matter this deprecatory statement may be tortured to excuse we know not, though, from the passage which it immediately precedes, it would seem to refer not to the omission of enactments, but to imperfect abstracts of their contents. At all events, what manner of "guide" the work will prove if relied on with absolute confidence, our readers shall judge from one or two passages, taken from that part of the work which treats of the original jurisdiction of sessions.

At pp. 66—68 the enactments which regulate the subject of the fees of clerks of the peace, of petty and special sessions, and to justices, are professed to be set forth. Among these, the provisions of 14 & 15 Vict. c. 55, with regard to the payment of

clerks by salary in lieu of fees, duly appear; but no mention at all is made of 18 & 19 Vict. c. 126, s. 18, which provides for the compensation of any unsalaried clerk, should his fees and emoluments be injuriously affected by the operation and effect of that statute. Will it be said, in excuse for this omission, that the fees and emoluments arising out of criminal prosecutions are here in question? Surely an open confession of carelessness would be less damning than such a defence, for the enactments which are given relate to the subject of the fees of these officers generally, and not simply to those which they are authorised to receive exclusive of criminal proceedings.

Again, a few pages further on (p. 97), we meet with another omission. It occurs in what is said respecting a *hundred rate* to make good damage done by rioters; and the provisions of 7 & 8 Geo. 4 c. 31, on this subject, are rightly stated to have been extended by 2 & 3 Will. 4 c. 72; but no mention is made of the Merchant Shipping Act, 1854 (17 & 18 Vict. c. 104), the 477th sect. of which extends them to the riotous plunder or destruction of wreck. The only other instance of carelessness which we will specify is in what is said concerning *Lunatic Asylums*, at pp. 112, 113. Here the provision of 8 & 9 Vict. c. 100, s. 30, requiring a license to be under the *hands and seals* of three or more of the justices in general or quarter sessions assembled, is duly set forth; but no reference whatever is made to the effect of the 18 & 19 Vict. c. 105, by the 15th section of which it is enacted that all instruments required by the 8 & 9 Vict. c. 100, to be under "hand and seal," may for the future be *signed* only by the justices. Nor is any allusion made to a previous section of the same statute (*viz.* 18 & 19 Vict. c. 105, s. 5), by which certain sessional duties are thrown upon the justices of every county, united with some other county for the purpose of the care of their respective pauper lunatics, before that union can be dissolved.

Now we by no means assert that we have read the whole of the work before us. Such a task would be more than the time at our disposal would admit of; and, in truth, we have bestowed our chief industry upon the fifty pages which include the three passages to which we have drawn attention. It is, therefore, possible that we have had the misfortune to hit the only blots which the most rigid scrutiny could discover, and that the rest of the work is an accurate and full exposition of the law on which it purports to treat. It is, also, fair to add that, in some other passages into which we did examine, we found all as it should be. For example, happening to remember that at one time the places of worship of Roman Catholics were required to be registered at the quarter sessions, we turned to the title "Public Worship" in the index, and there were referred to p. 135, in which that fact, and the statute by which the certificate of the Registrar General is now substituted, are duly mentioned.

We would, also, observe that the 3rd chapter, "On the Appellate Jurisdiction" of the sessions (including what appears to be a most elaborately-finished table of appeals in particular cases) has not been examined by us with that minute attention which would justify any decided opinion as to its merits. We looked with some curiosity to see how the new appeal, given by 20 & 21 Vict. c. 43, from the erroneous determination of justices in point of law, had been dealt with, and thought it probable that it would be omitted altogether, as not being peculiar to general or quarter sessions, but mainly aimed at the decisions of single magistrates, or of a petty sessions bench. However, at pp. 306, 309, the provisions of the statute are set forth; and the care of the authors has induced them to note the General Rules of Michaelmas Term, 1857, with regard to the practice of the superior courts in appeals under this statute, and, also, the cases of *Cristie v. Guardians of St. Luke, Chelsea*, and *Ea parte Smith* (27 L. J., M. C., pp. 153, 186). This is all very well, but a more resolute industry would have added the few other cases hitherto reported, which decide points on this statute. We ourselves could contribute *Potter v. Berry and Another* (6 W. R., Q. B., p. 71); *Rotherham Local Board of Health v. The Yorkshire Tire & Axle Company* (Id., C. P., p. 443); and *Syred v. Carruthers* (Id., Q. B., p. 595); and, as the latest of these was reported by the first week in June, their insertion (at all events among the "additions") could probably have been achieved, even without the exertion of that species of self-denial at which we have above hinted.

Suggestions to an Articled Clerk. By A SOLICITOR. London: Robertson. 1858.

This little book contains sound and sensible advice, and it will be accessible to many articled clerks, who would be unwilling either to buy or to read the more bulky treatises which several authors have contributed for their guidance. It is

satisfactory to find that the solicitor who offers these suggestions is fully alive to the importance of a good preliminary education, and insists, as strongly as we have ever done ourselves, that an examination should be instituted to test it. The writer thinks that the attorneys, as a body, "do not hold that position in society which they ought;" and this, he says, "may be attributed to the fact that very many among them are ignorant men, and, consequently, as the uneducated enjoy the same professional privileges as the educated, the public refuse (and rightly so, too) to make any distinction between men placed on a professional equality." The examinations of non-members by the Universities of Oxford and Cambridge are calculated, in the opinion of this solicitor, "to do material service in the preparation for professional education;" and he says that the title of Associate in Arts, conferred by Oxford, is "a great boon to aspiring students," and that it "will strengthen the regard which Englishmen entertain for that university as a national institution." We think that this expression of opinion deserves notice in estimating the probable consequences of the great innovation lately made upon the old system of the universities. Whatever may be the truth as regards other classes, it is difficult to believe that these examinations, offered to youths of eighteen, who are about to be articulated to solicitors, can be productive of anything but unmixed good. There is no question, in this instance, of the expediency of exciting intellectual tastes in those who must live by manual labour, because the practice of the law is, or at least ought to be, an effort of the mind, and the highest possible cultivation of the reasoning powers must be the best preliminary training for it. And, besides, the popularity and influence likely to accrue to the universities from holding these examinations can only be regarded as a distinct and unqualified gain. This is a consideration which does not, perhaps, present itself very strongly to the minds of those leading members of the universities whose years of manhood have been passed within college walls. But lawyers and politicians, whose early academical career has been followed by active life in the great world, feel that the hold of the universities over the national mind is weak in comparison with what they believe it might be; and many of them think they see in these examinations a means of strengthening it, which they desire to use at once for the benefit of the universities and of the nation. The solicitors are only one of many classes that would be affected by the proposed scheme; but they are a very important and powerful class, and at this moment they lie peculiarly open to the guiding influence of the universities—an influence which, if wisely exerted, cannot fail to generate respect and gratitude, and to make Oxford and Cambridge better understood and appreciated than they have hitherto been by intelligent and energetic sections of the community.

At present, barristers, as we know, are very frequently educated at the universities, but solicitors rarely. One consequence of this distinction probably is, the jealousy which members of the latter class not unfrequently exhibit of the former. Of this feeling we fancy there is a trace in the inverted commas of the phrase the "superior branch" of the legal profession applied to barristers in the little book before us. We fear there are barristers to be found ignorant alike of literature and of law, but if the reputation of the most accomplished ornaments of the bar reflects a certain lustre upon all its members, this fact furnishes the strongest motive for the efforts of those solicitors who seek to improve the education of their own body. We think that one result of these efforts—especially if they are made in concert with the universities—will probably be, to render the relations between the two branches of the legal profession more harmonious. Men who feel that they are parts of one great whole devoted to the study of the same noble and engrossing science will not be too keenly sensitive as to the exact places which they occupy in the system.

After recommending the Latin language, constitutional history, mathematics, and logic, as the best preliminary studies, the author tells the intended clerk that "the preceding observations are applicable chiefly to persons who, like himself, are taken from school to the office"; and he thus suggests the very important question, where the desired previous training can be best obtained. We should certainly not advise reliance on unassisted reading. Private tuition is not generally less expensive than a school or college, and it fails to supply the valuable influences derived from associated study. The best plan, therefore, would seem to be for the future solicitor to continue at some good educational establishment until he is eighteen years old, which we believe is generally agreed to be quite soon enough for entering upon articles. But if the parent can afford thus to prolong his son's professional education until twenty-three, he might allow him to graduate at one of the universities,

and thus abridge his service under articles to three years. Probably this would be the very highest training that a solicitor could receive, but the number of those who can obtain such a full and finished education must always be small, although we believe that it is gradually increasing. Men who are themselves in the profession, and intend their sons to follow them in it, feel a growing sense of the vast advantages of education, and will be more and more desirous to make every possible sacrifice to secure this inestimable benefit for their children.

The author has, we think, acquitted himself very creditably of the difficult task of marking out a course of professional study. He begins by observing that students would find no difficulty whatever if the council of the Incorporated Law Society would advise beforehand what books should be read, and confine the examination to them. It was one of the suggestions of the Metropolitan and Provincial Law Association, at the conference of last January, that the questions for the examination should, to some extent at least, be founded on standard books previously announced; and our author notices that the optional examinations for the bar are conducted in this way. Perhaps the latter example is scarcely decisive as to the expediency of the practice, because those who originated, and are endeavouring, against great obstacles, to establish the bar examinations, could only venture to present their plan in the aspect least likely to alarm candidates. There is no doubt that, for a man who desires merely to pass, and who is not very confident in his own powers, it is a very great help and comfort that the provinces of the law over which his examiners may range should be strictly and absolutely defined. But it is a mistake to suppose that the law will be well learned, or any distinction won, by the student of it who confines his reading within these limits. It still remains for the industrious clerk or his adviser to shape a course of study extending over five years. The selection by the Incorporated Society of certain books, or parts of books, for examination, would assist the student's judgment, but not supersede its exercise. The duty of making a judicious selection would be no trifling burthen upon the council, but it would, we think, facilitate the labour of the examiners, and the papers set by them would be less liable than they now are to complaints of surprise and undue severity. As our author says, "the test is arbitrary, and varies with every fresh set of examiners;" and he seems to make this a complaint, without having considered how difficult it would be to define a standard. Almost the only remedy that can be suggested is, to provide that only a part of the examining board should vacate office yearly, so as to preserve a continuous tradition. But something would certainly be gained by fixing the books for examination, and, therefore, we should be glad to see this plan adopted.

We cannot read these suggestions without some compassion for the young student who, even under the very best pilotage, embarks on the wide sea of legal study. How few treatises can be named which are not very repulsive and grievously difficult for the learner. It is true there has been a great advance upon the dark time when, so far as we can understand, it was the ordinary practice of young articulated clerks to purchase a new copy of Coke upon Littleton, and make what they could of it. We have had Blackstone and his editor Serjeant Stephen, and after a long interval, Mr. Joshua Williams wrote his two little books, and the lamented J. W. Smith composed his lectures. If we add the admirable but now displaced treatise of Serjeant Stephen upon pleading, the list is almost exhausted of books which we can suppose an intelligent youth of eighteen to study with either hope or pleasure. Take as an example of the opposite and very numerous class, the well-known treatise of Lord St. Leonards on Vendors and Purchasers. The book, as we all know, is crammed full of the soundest law; and if our solicitor's young friend will work at it, he will in time learn the most important branch of his future profession from the first authority. But what a rugged, up-hill, hopeless-looking task it is! The results of successive decisions are condensed so as to follow each other in its pages with a rapidity that must effectually forbid one single clear idea from remaining in the learner's mind. Of course we do not say that Lord St. Leonards wrote for young articulated clerks, or that he was bound to do so. But it is a melancholy fact that real property law must be studied in such books as his or not at all. It is true there is the "Handy Book," which its learned author appears to consider a light and popular performance, and which we have ourselves found infinitely less readable than the "Vendors and Purchasers." The latter we take to be a book which a lawyer may perhaps read with pleasure, but a learner only with pain and grief. The former we should think no one but a sleepless railway traveller, in a fen country and a fog, could possibly be induced

to peruse from end to end. Throughout the "Vendors and Purchasers," the only general principle enunciated is the well-worn "caveat emptor," and the sole trace of any regard to style is in the curious alternation between the words "vendor" and "seller," which we suspect was intended for what is called in some school-books "an elegance." But the greatest of all English lawyers was Lord Eldon, and the greatest living English lawyer is Lord St. Leonards; and neither Lord Eldon nor Lord St. Leonards have been capable of writing the English language with either grace or perspicuity. Still we can give to legal students no better advice than to read the judgments of Lord Eldon, and the books of Lord St. Leonards, adding our solicitor's caution to his young friend, "that it is quite natural his new occupation should be rather distasteful," and that it will require "much application and devotion to study, and considerable self-restraint."

Metropolitan and Provincial Law Association.

The following paper "On the Principles by which the Conduct of the Profession should be regulated in Law Reform," was contributed by Mr. W. Strickland Cookson, of Lincoln's-inn, and read at the meeting held at Bristol on the 5th October last:—

"Believing that the present aggregate meeting of solicitors, assembled from various parts of the kingdom is qualified to express the general opinion of the body, and especially of the provincial portion of it, on the principles by which the proceedings of our associations, whether central or local, ought to be regulated, what their aims should be, and what the means to be used in working them out, I request the indulgence of the meeting whilst I submit a few observations, with a view to elicit a distinct and decided enunciation of the principles on which the managing committees of the several associations are expected to act on the important question of Law Reform.

"On former occasions I have insisted, very inadequately and imperfectly, but very earnestly, that the members of our profession (a profession necessary to the public, and existing for the public benefit), should be well educated gentlemen, and that they must have the remuneration necessary to support them in society as such, and to induce well educated gentlemen to join their ranks. I have also dwelt on the importance of union and mutual confidence amongst ourselves, and in each other; on the advantages to be derived from our associations, if well conducted; on the necessity of selecting as managers of our proceedings those in whose integrity, zeal, and ability, we may cordially trust; and on the duty of unreservedly and warmly co-operating with and aiding them in carrying out our objects.

"Not less important is it that we should have clear and definite ruling principles of action, and that our managers should be told what those principles are, and should know and feel that there is identity of views and objects between them and their constituents.

"In every session of Parliament many and various law reforms are submitted to the Legislature. A large proportion of these will not bear careful examination; if adopted, they would neither advance the interests of the profession nor the public good, and as to these there can be no doubt in the minds of our managers. They ought to be opposed. It is not by measures such as these that the questions are raised, which I wish now to submit to your consideration and decision.

"But many law reforms have been proposed which appeared to be useful alterations of the law, and to promise great advantages to the public, but which would materially diminish the professional remuneration of attorneys and solicitors. Hitherto, I believe that, in such cases, our managers have acted on the principle that professional interests were subordinate to the public good, and have lent willing and efficient aid to the improvement, and final passing, of those measures.

"And in future sessions it is not improbable—nay, it is certain—that other measures of law reform will be proposed, by which the forms of procedure will be so materially simplified, that our professional emoluments, according to the present mode of remuneration, must, necessarily, be very much diminished.

"That there will be compensation, to a great extent, in the increased number of transactions, is most probable. All experience teaches us, that, if an article be good and useful, the demand for it increases as the cost diminishes; and that a tax is frequently rendered more productive in the aggregate by reduction of the rate of taxation.

"And reforms may be introduced into our system of legal

procedure, which, though they may promise an eventual large diminution of expense, when brought into full and effectual operation, will have a tendency to increase the emoluments of the present generation of practitioners for several years after their introduction. But present temporary increase of emoluments will be felt to be a very inadequate recompense for future permanent diminution, by that large class of our professional brethren who have sons destined to succeed them in their well-established and now prosperous businesses.

"It seems to be universally admitted that the present mode of professional remuneration, and the present system of ascertaining and determining the amount, are in the highest degree objectionable; that they are both unjust and unwise. The remuneration of a solicitor, according to the number of words used by him—the absolute pecuniary loss which he inflicts on himself by careful and laborious compression and condensation, must have a tendency to encourage prolixity and to discourage every effort at concise expression. It is hoped, however, that these evils are not without a remedy, and that great improvements may be introduced if the proper means are used for the purpose. But, in the meantime, what course do we desire our managers to pursue with reference to measures of reform to be brought forward in future sessions, from which benefit to the public in general, and pecuniary injury to ourselves, may be confidently expected? Do we desire them to assist in promoting and perfecting such measures, or to do their utmost to defeat them, or to abstain from all action with reference to them?

It seems to me there can be but one answer to each of these questions—That it is our duty, on grounds alike of policy, of patriotism, and of morals, to instruct our managers to give a cordial and earnest support to all such measures, and to assist in improving them and their machinery as much as possible.

The *Times*, in a recent article, directed attention to the fact, that, just as we had discovered that the Enfield rifle is the best weapon our soldiers ever had, it seemed likely to be found out that there is another weapon (the Lancaster rifle) better still, and observed that, as to expense, it was not probable the difference would be very material; but whatever it might be, it would not deserve a thought in comparison with the necessity of equipping our soldiers with the very best arm that manufacturing science can produce. The *Times* then proceeded to remark as follows:—

"It will, perhaps, occur to some people that all these proceedings open a vista of unceasing trouble and interminable expense. If the Lancaster rifle is to supersede the Enfield weapon, it can only be until some new invention shall consign it to a similar fate, so that we shall never get a point at which to rest. This, however, even if the conditions were to be accepted absolutely, would be merely placing military science on a footing with all other sciences. Where is there finality? and where do we not look for progress? Is there any instrument, article, or commodity, reflecting the power, not of art, but of science, which does not receive constant improvement? Did ever steam remain stationary after superseding other agents? Are locomotives, steamboats, railway carriages, or electric telegraphs, what they were a few years ago? We know and feel that they are not, nor can we expect any greater finality in a science which, like that of projectiles, embraces elements as vast and as marvellous as any. The only thing peculiar about the matter is, that hitherto our military authorities have been resolved to recognise no progress whatever. It is the previous stagnation, not the present improvement, which is wonderful. When the old regulation musket was once discarded, the flood-gates of official bigotry were broken down, and the stream will now run its course."

"The article concluded with the observation:—'It is not every invention, after all, which will call for notice or trouble. Many a project, noisily introduced, dies away without influence or results. All that should be impressed on our military authorities is, that stagnation is no more desirable now than it was thirty years ago; that, though the Enfield rifle is vastly better than Brown Bess, it is not good enough to take a stand upon for ever; and that the idea of "finality" must be banished from the brains of those who would administer a great country in the present age.'

"Let us, gentlemen, proceed to discard our 'Brown Besses,' and equip ourselves with the very best arms that legislative and legal science can produce; let us abandon for ever the notion of finality. The desire for progress is a necessity of our being, and is irrepressible. In our social economy, nothing that is not needed is destined to endure. It is impossible permanently to maintain a vicious or unnecessarily costly system on the plea of vested rights. When a system has become antiquated and useless, or can be supplanted by one as

useful and more simple and economical—one better suited to the necessities of the community—the old one must give way. Its existence cannot be prolonged. The flail could not resist the inroads of the threshing-machine, nor the spade and hand-rake those of the plough and harrow; nor the spinning-wheel or hand-loom, the gigantic mechanism of modern science; nor (to come nearer our own professional experiences) would fines and recoveries maintain their ground against the more simple and equally efficacious modern assurances.

"Arguments have been addressed to us in favour of resistance to legal reforms, no matter how beneficial to the community, on the ground of their injurious influence on our professional emoluments; arguments which appear to me to convey an insult to our body. I cannot think so meanly of my professional brethren as to believe that such arguments will prevail with them against the public good. They remind me of the argument used by Demetrius the silversmith, to rouse to resistance of the great apostle of the Gentiles the craftsmen of Ephesus. I trust I may, without subjecting myself to the charge of irreverence, avail myself of a passage from that sacred book, which 'was written for our learning:—' A certain man named Demetrius, a silversmith, which made silver shrines for Diana, brought no small gain unto the craftsmen, whom he called together with the workmen of like occupation, and said, Sirs, ye know that by this craft we have our wealth. Moreover, ye see and hear that not alone at Ephesus, but almost throughout all Asia, this Paul hath persuaded and turned away much people, saying, that they be no gods which are made with hands: so that not only this our craft is in danger to be set at naught; but also, that the temple of the great goddess Diana should be despised, and her magnificence should be destroyed, whom all Asia and the world worshippeth. And when they heard these sayings they were full of wrath, and cried out, saying, Great is Diana of the Ephesians; and the whole city was filled with confusion.'

"Let us not be tempted, by any false Demetrius, into following the example of the Ephesian craftsmen. They were impotent to resist the progress of truth, as we assuredly shall be if we attempt to resist the progress of legal improvement.

"If our emoluments should be reduced by any changes in the law below what is necessary to maintain us in the social position of gentlemen; if our remuneration be inadequate, having regard to the duties required of us, and the responsibilities we incur; let us seek for redress in a change of the mode of estimating the value of our services, but do not let us commit the fatal error of embarking in a vain attempt to resist the irresistible; or of refusing to assist in the improvement of our laws. Let me, in conclusion, make use of the eloquent peroration of our own Blackstone on the obligations of Englishmen to their laws (I quote from memory, and, I fear, inaccurately):—'To sustain, to repair, to beautify this noble pile, is a duty which they owe to themselves, who enjoy it; to their ancestors, who transmitted it down; and to their posterity, who will claim at their hands this the best birthright and noblest inheritance of mankind.'

MEMORANDUM—On the Act of 21st & 22nd Vict. c. 87.
"To continue and amend the *Corrupt Practices Prevention Act, 1854.*"

The following paper was read by Mr. J. M. Clabon, of London, at the meeting held at Bristol on the 5th ult., by way of supplement to a paper, read on 10th October, 1857, at the meeting held at Manchester, on the "Inefficiency of existing Laws as to Corrupt Practices at Elections, and the Remedy:—"

"In the paper which I read last year at Manchester on the inefficiency of existing laws as to corrupt practices at elections, and the remedy, I endeavoured to show that "The Corrupt Practices Prevention Act, 1854," when fully understood, did not carry out the pretensions of its title—that it would not prevent corrupt practices at elections. After a brief review of the corrupt practices of bribery, treating, and undue influence, I stated that the changes made in the law by the Corrupt Practices Prevention Act, 1854, might be divided under five heads; viz.

1. The creation of the offence of undue influence.
2. The perpetual disqualification of guilty persons from voting.
3. The appointment of agents for election expenses.
4. The appointment of an election auditor, and the penalty imposed on payments not made through him, with certain exceptions of a ready money-character.
5. The permission given to persons employed to vote.

"1. As to the creation of the offence of undue influence, an opinion was expressed that the new enactment would have a

tendency towards independence, but that its operation was not as yet known.

"2. As to the perpetual disqualification of persons convicted of, or against whom judgment has been obtained for bribery, treating, or undue influence, it was submitted, that, although the provision was a wise one, it would not prevent bribery or treating—that there were a class of voters who were always ready for beer, for money—and that these voters would not be deterred, from feelings of shame or fear of exposure, from asking for or receiving it.

"3. As to the appointment of agents for election expenses, the old law of agency was reviewed, and it was shown that it had been in no way affected by the Act; that the appointment of an agent for election expenses would not prevent candidates from constituting other agents by express appointment, or by implication; and that the following results only followed this provision of the Act, viz.—(1.) That any illegal act committed by an agent for election expenses would avoid the election. (2.) That payments by other persons, shown to be agents, would bear suspicion on the face of them, the agent for election expenses being the person to make payments for proper purposes. (3.) That the pure candidate would be protected; for if he published to the world that he would authorise no acts but those of his agents for election expenses, took care to disavow authority in any one else, and abstained from acts tending to the constitution of an agent, he would be safe; while, on the other hand, the impure candidate would not be protected by appointing an agent for election expenses, for he would still be liable for the acts of other agents.

"4. As to the appointment of an election auditor, and the declaration that payments not made through him were illegal (with the exception of advertisements, the personal expenses of a candidate, expenses which could not reasonably have been postponed, paid bona fide before the nomination—and current expenses necessarily paid in ready money by the agent for election expenses), it was shown that the office of auditor was merely ministerial, with no power of disallowance; and that the only results of the appointment were to insure publicity to the lawful expenditure, and to enable a petitioner to prove the accounts through the auditor, without the necessity of putting an agent of the candidate into the witness-box.

"5. And as to the permission given to persons employed to vote, it was stated that the 7 & 8 Geo. 4, c. 37 (which avoided the votes of persons employed at elections as counsel, agent, attorney, poll-clerk, flagman, or in any other capacity, for reward), had been repealed by the Corrupt Practices Prevention Act, 1854, and that persons employed might now therefore vote. I came to the following conclusions—viz. That the Act contained no provision to frighten the candidate who intended to procure his return by all means, foul as well as fair; that corrupt voters would be as ready as ever to take bribes and beer, and that fear of punishment so unlikely to follow would not deter them; that the appointment of agents for election expenses, though to some extent a shield to the pure candidate, would not affect the impure candidate; that the appointment of an election auditor merely insured publicity for legal expenses, and facilitated their proof; that there was nothing to prevent a candidate from sending 'the man from the moon' with a bag of gold—the arrangement being made in secret, at a distance, and the candidate taking care to know nothing about the matter; and that, on the other hand, the Act contained a provision calculated to do the greatest possible mischief, by the repeal of the Act preventing persons employed from voting.

"I suggested that the remedy against corrupt practices was by operating on the GIVER, not on the receiver; and that the best provision would be to impose on every member the making of a declaration on oath or honour, that he had not paid, AND WOULD NOT PAY, any money, directly or indirectly, before, during, or after his election, for any corrupt practice, or for any purpose which might have a tendency to influence votes. And I mentioned that the House had, when in committee on the Bill, carried a clause directing such a declaration by a majority of eight; but that on the third reading the clause had been expunged by a majority of forty.

"In the discussion which followed the reading of the paper, it was generally agreed that the Corrupt Practices Prevention Act, 1854, had been, and would be, entirely without effect in preventing the commission of corrupt practices, and in diminishing the expenses of elections. And such a concurrence of opinion, in a meeting which contained so many persons intimately acquainted with the working of elections, either by their having conducted them as agents, or by their appointment as election auditors, was a testimony of the most valuable kind, and one which it would not be easy to negative.

"The remedy proposed did not form a leading feature in the discussion, and some appeared to prefer a provision for constituting an independent tribunal to try election petitions."

"Few would doubt but that this would be an immense improvement on the existing system of trial by a committee. But to make it effectual, it must be accompanied by laws of greater stringency as against candidates; and I cannot but look on the passing of such a measure as hopeless. Honourable members will not delegate to any tribunal, but one formed out of their own body, and therefore acquainted with the secrets of elections, the task of judging whether corruption has been brought home to one of themselves. It is hardly worth while to agitate a measure which is not likely to be carried. But further consideration confirms me in the opinion that the best remedy is the declaration which I have suggested. And Parliament, moreover, though it has as yet negatived such a declaration, has not viewed it with such disfavour as to forbid the hope that it may be adopted at some not very distant time. During the discussion on the Continuance Act of this year, the declaration clause was again moved, and was supported by the respectable minority of 52, in a House of 135. And the Home Secretary approved its principle, though he thought that so important a clause ought not to form part of a mere Continuance Act."

"And now I come to the principal object of this Memorandum, and describe the so-called Continuance Act of 1858."

"It has three objects besides the mere continuance of the Act of 1854:

"1. It enables a candidate or his agent for election expenses to provide conveyance for any voter, for the purpose of polling at an election; but directs that it shall not be lawful to pay any money, or give any valuable consideration to a voter, for or in respect of his travelling expenses for such purpose."

"2. It reduces the fees of election auditors, directing that the commission shall only be payable on payments above £200, and that the election auditor shall not receive more than £20 from each candidate; and it prevents the election auditor, his partner or agent, from acting as election agent, paid agent, or canvasser, for any candidate for the borough or county for which he acts."

"3. It declares that the word 'candidate' shall include persons elected, persons nominated as candidates, and persons who shall have declared themselves candidates on or after the issuing of the writ, or after the dissolution or vacancy in consequence of which the writ shall have been issued. The principal object of this provision is to define with more certainty the persons liable to make returns to and to pay the fees of the election auditor."

"The 2nd and 3rd points are of small importance to the public. They involve the deprivation of fees to many of our body—myself possibly among the number, for at the last election for Brighton, my fees received of each candidate were more than £20. I trust that I do not look on this provision of the Act with prejudice on this account. But I must say that it would have shown a more proper feeling on the part of the Government either to have postponed the consideration of the matter until a Bill to be dealt with otherwise than as a mere continuance Bill was before Parliament; or to have made an attempt to confer more important duties on the auditor—to make him, in fact, a real check on corrupt expenditure. It may be that the payment accorded to him by the Act of 1854 was more than was justified by the services required of him by that Act. But in reducing this payment, the Government appear to have adopted the office as one which is to continue on its present footing—useless for checking corrupt expenditure—useless for practical good. They ought either to have abolished the office altogether—to have enlarged the sphere of its duties—or to have postponed the consideration of its emoluments until the whole subject of corrupt practices was again before Parliament."

"The first point, the sanctioning the conveyance of voters to the poll, is the principal feature of the Act. It has been said that the Legislature have by passing this clause sanctioned corruption. This perhaps is too strong an assertion. No court or committee have ever declared that it was illegal to convey voters to the poll. In sanctioning such conveyance, the Act has simply declared that to be legal which was not illegal before. The really operative part of the Act is restrictive on expenditure. It forbids the payment of money to the voter for conveyance. This payment per se was not illegal before the Act. The House of Lords had gone no further, in the case of *Cooper v. Stude*, than to declare that a promise of payment of

money for conveyance, accompanied by a request to vote, held out an inducement to vote, and was therefore illegal. But, by the new enactment, the payment of money to a voter for conveyance in any shape is made illegal; and this may, therefore, seem to be a step of progress towards purity."

"But still, the Act had better have been left as a mere Continuance Act. The clause, although in its only really operative part it seems to form a step towards purity, and is, as to the rest, merely declaratory, had better have been allowed to remain in the portfolio of the Minister. This declaratory enactment is not a dead letter. True, it only adopts as written law what the *lex non scripta* had tacitly sanctioned. But it speaks as of the present. The unwritten law is the legacy of a corrupt age. The written law of 1858 adopts the corruption. Had the matter been left unwritten and unsanctioned, a future Parliament might have taken up the matter anew, as part of the whole subject of corruption; now a modern Parliament, with purity on its lips, has adopted the expenditure as proper. It will be difficult, in future, to undo what has now been deliberately settled."

"Let us, as the result of the Acts of 1854 and 1858, see what the power of money may lawfully do."

"1st. It may employ any number of voters; services may easily be found which are not colourable. Messengers, bill-stickers, placard-bearers, cab-drivers, may be multiplied without limit, and occupation be found for each. In an urban constituency of 1000 voters, hundreds will be within the reach of corrupt influence. What more easy than to employ all these hundreds—inundate the borough with committee rooms—placard them all—appoint sub-agents for each—appoint messengers to run between the committee-rooms—fill the place with placard-bearers, all voters. All can, and will vote for their employer, as the tacit condition of employment. It is only a question of money. The longest purse will carry the day."

"2nd. It may convey all the voters to the poll. Hire up then all the carriages and omnibuses, and conveyances, and cabs. It is not only legal to do so, but Parliament has just sanctioned it. Leave none to your opponent. Again, it is only money. Again the longest purse will be in the ascendant."

"This is no fancy. Four years ago, persons employed could not vote; now they can vote by hundreds, and the only question will be, whether employment was found for them, and this is easily done. One year ago, it was only legal to convey voters to the poll, because it had not been declared to be illegal. Now the Legislature has expressly sanctioned it. The poor virtuous candidate will have no chance against the rich man, though the latter may keep himself within the four corners of the law."

"I submit that the first object of renewed legislation must be to restore the old law, and prevent persons employed from voting; that it will be better to repeal the Act of last year, so far as it legalises the conveyance of voters; that if the election auditor is to be continued, he should have real powers; that members should be compelled to make an oath of purity; and that heavy penalties should attach to corruptors of all kinds—that givers rather than receivers of bribes and beer should be punished."

"No one will deny but that the country has made great strides in moral progress during this century. In Pitt's time elections lasted for forty days—duchesses canvassed and bribed—corruption and riot reigned supreme. But the evil, though lessened, is not eradicated. Its quieter forms remain. Recipients put forth their hands by thousands, and no law will prevent them from doing so while givers abound. The law must make giving a CRIME."

"It is much to be regretted that legislation should be necessary. Why should not candidates and members of their own accord so discountenance corruption as to prevent any approach to it by their subordinates. But this is a degree of virtue which cannot be hoped for. It is manifest and notorious that many of the aspirants to rule, and many of our rulers, are content to win their way to power by *some* means, if they cannot succeed by fair means. The cheque is given when asked for without proper audit or inquiry. The seat is to be won. The expectant or existing M.P. only takes care to avoid knowledge of details."

"It must be the desire of all true law reformers to see Parliament apply a real check to a great evil, and to see candidates themselves aid the Legislature by doing what is necessary to prevent corruption in their own elections."

Court Papers.

Chancery Appeals.

The Lord Chancellor will sit apart from the Lords Justices, and hear Appeals from the Master of the Rolls and the Vice-Chancellor Sir R. T. Kindersley.

The Lords Justices will hear Appeals from the Vice-Chancellors Sir J. Stuart and Sir W. Page Wood.

Exchequer Chamber.

SITTINGS IN ERROR.

The following days have been appointed for the argument of Errors:—

QUEEN'S BENCH.			
Friday	Nov. 26	Saturday	Nov. 27
COMMON PLEAS.			
Monday.....	Nov. 29	Tuesday	Nov. 30
EXCHEQUER OF PLEAS.			
Wednesday	Dec. 1.	Thursday	Dec. 2

Central Criminal Court Sittings.

1858.			
Monday.....	Nov. 22 |	Monday.....	Dec. 13
1859.			
Monday	Jan. 3 and 31	Monday.....	July 4
"	Feb. 28	"	August 15
"	April 4	"	Sept. 19
"	May 9	"	Oct. 24
"	June 13		

Queen's Bench.

NEW CASES.—MICHAELMAS TERM, 1858.

SPECIAL PAPER.

Sp. case.	Hornshy and Another v. Miller and Another.
Dem.	The Mayor, &c., of Blackburn v. Parkinson.
"	Same v. Smalley.
"	Cazenove and Another, Assignees, &c., v. Lister, P.O., &c.
"	The Dean and Chapter of Bristol v. Jones and Others.
"	Tamvaco and Another v. Lucas and Others.
Sp. case.	The Manchester, &c., Railway Company v. The London and North Western Railway.
"	Swinburne v. Robinson.
Co. Ct. App.	Bailey v. Cuckson and Others.
Dem.	Clarke v. Mansford.
"	Grindell v. Kelly.
"	French v. The Eastern Counties Navigation Company.
Sp. case.	Wray, Administrator, &c., v. Ellis, Clerk, &c.
"	Haddon v. Ayers.
Dem.	Same v. Same.

ENLARGED RULE.

To the Last Day but One of Term.

The Queen v. The Guardians of the City of London Union.

Common Pleas.

NEW CASES.—MICHAELMAS TERM, 1858.

DEMURRER PAPER.

Friday, Nov. 12.

Co. Ct. App.	Blatchford, Appellant; Cole, Respondent.
Dem.	Eastern Counties Railway Company v. Doring.
"	Barber v. Lester.
Case by Order.	Morgan and Others, Assignees, &c., v. Taylor.
Dem.	Chope and Another v. Reynolds.
"	Clift v. Philips and Others.

Monday, Nov. 15.

Dem.	Baggallay and Others v. Pettit and Others.
"	Smith v. Manners and Another.

Exchequer of Pleas.

NEW CASES.—MICHAELMAS TERM, 1858.

Error. Walker v. Goe and Another.

SPECIAL PAPER.

Sp. case.	Kitchen v. Quilter.
Dem.	Young, Assignee, &c., v. Hughes.

Court for Divorce and Matrimonial Causes.

The full Court will commence its Sittings on Friday, the 26th of November, 1858, and continue its Sittings de die in diem for the ensuing fortnight. Nov. 4, 1858.

Births, Marriages, and Deaths.

BIRTHS.

DENMAN—On Nov. 3, at 14 Eaton-place South, the Hon. Mrs. George Denman, of a daughter.
EVANS—On Nov. 1, at 30 Cumberland-terrace, Regent's-park, the wife of John Evans, Esq., &c., of a daughter.
FARRER—On Oct. 28, Anna Maria, the wife of William James Farrer, Esq., of 24 Bolton-street, and 68, Lincoln's-inn-fields, of a son.
JONES—On Nov. 1, at Chester-place, Kennington, the wife of Mr. Richard Jones, Solicitor, of 5 New-Inn, London, of a daughter.

MARRIAGES.

CADE—LAWLESS—On Oct. 30, at St. Mary Magdalen, Peckham, by the Rev. E. Lilley, Mr. Henry Cade, Sculptor, of Bristol, to Elias, relict of the late William Lawless, Esq., Solicitor, Peckham, London.
GUMBLETON—DES BARRES—On Nov. 4, at St. Mary Abbe's, Kennington, by the Ven. Archdeacon Stuchart, assisted by the Rev. Frederick Chalmers, rector of Beckenham, cousin of the bride, Richard John Maxwell Gumbleton, Esq., of Glanoroe, co. Cork, J.P., to Isabella Mastida, only daughter of the Hon. Judge Des Barres, late of the Supreme Court, Newfoundland.

JONES—JERDEIN—On Nov. 2, at St. Jude's, Liverpool, by the Rev. J. B. Lowe, incumbent, assisted by the Rev. Alfred Tomlin, of St. Nicholas, Charles William Jones, Esq., of Gray's-inn, and Forehester-square, London, to Hope, eldest daughter of John Jerdein, Esq., of Liverpool.

WILKINSON—CHAPELLE—On Nov. 2, at Trinity church, Marylebone, by the Rev. Hanworth Rackham, M.A., vicar of Witchford, assisted by the Rev. E. C. Alston, M.A., rector of Dennington, uncles of the bride, Walter Meacock, third son of Josiah Wilkinson, Esq., of Westbourne-terrace, Hyde-park, to Louisa Rackham, eldest daughter of William Chappell, Esq., F.S.A., of Harley-place.

DEATHS.

CANN—On Oct. 31, John Stephenson Cann, Esq., Solicitor, Wymondham, Norfolk, aged 41.

CRICKITT—On Oct. 29, at Stockbridge-house, Chichester, Charles William Crickitt, Esq., in his 63rd year, late of the 9th Foot, and youngest son of John Crickitt, Esq., formerly a Proctor of Doctors'-commons.

HULKE—On Oct. 29, at Paddock-house, Deal, Benjamin Hulke, Esq., aged 58, many years Town Clerk.

KENMORE—On Oct. 24, at Callander, Isabella, wife of W. F. Kenmore, Esq., Advocate, Edinburgh.

LAWLOR—At Eglinton, Roundtown, Dublin, Ireland, aged 36, Ellen, the wife of Edward Lawlor, Esq., Solicitor.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette and elsewhere during the Week.

KING, MART, and ANN Woods, who formerly resided at or near Bungay, Suffolk, sisters of Fimia Ling, late of Great Yarmouth. Their children to apply to Charles Cory, Gent., Great Yarmouth, and William Walpole, Chemist, of same place.

Money Market.

CITY.—FRIDAY EVENING.

The English funds have fluctuated considerably during the week, the tendency being to a decline in price. This remark applies equally to the French funds and to the new Turkish loan. Recent intelligence from Constantinople depressed the scrip of that loan, but confidence appears to be in some degree restored. The quotation of the second issue is from $\frac{1}{2}$ to $1\frac{1}{2}$ per cent. premium.

The closing price of Consols this afternoon for money is 97 $\frac{1}{2}$ to 98 per cent., being $\frac{1}{2}$ per cent. lower than this day week. The demand for silver for India and China has resulted in the shipment of £237,216 by the steamer appointed to sail yesterday; and it is stated that about £250,000 is already engaged for the next steamer. Gold continues to arrive, and to be sent to the continent. About half-a-million has been withdrawn in the course of the week for exportation, and above a million is in the course of arrival, or nearly due.

From the Bank of England return for the week ending the 3rd inst., it appears that the amount of notes in circulation is £21,362,845, being an increase of £137,985; and the stock of bullion in both departments is £18,612,885, showing a decrease of £519,591 when compared with the previous return. Each of the Bank returns of the last four weeks shows a decrease in the stock of bullion, amounting in the aggregate to £913,590; and it is stated that the bullion in the Bank of France has decreased £1,000,000 since the 15th Oct., the date of the last return.

Under these circumstances, the Directors of the Bank of England continue their rate of discount at 3 per cent., and thereby appear to be fulfilling general expectation in the money market. Their rate is above the rate very extensively in practice; but it is remarked that if the Bank reduced their rate to 2 $\frac{1}{2}$ per cent., a lower figure would prevail widely in the market.

The payments on account of the call of £100 per share on the shareholders of the Western Bank of Scotland, which became due on Monday last, amounted in the afternoon of that day to £567,000. Considerable additional payments are expected from willing and competent shareholders after Martinmas, which falls upon the 11th inst., when interest on Scotch securities becomes receivable in many cases. The call is calculated to produce £1,000,000.

The returns of the Board of Trade for the month of September are now published. In comparing the results of September, 1858, with September, 1857, it must be remembered that September, 1857, was in some measure a month of panic. The

animation imparted to the trade with India and China by the events of the present year has enabled these returns to show under the head of manufactured cottons a comparative increase in exports of about £400,000. In the previous month an increase appeared of nearly an equal amount from the same cause. In the exportation of all sorts of metals the returns show a large comparative decrease, and there is also a falling off in cotton yarn. The result is, that the total exports of September, 1858, compared with September, 1857, show a decrease of £355,000. Over the corresponding month of 1856, the present return shows an increase of £497,000.

English Funds.

ENGLISH FUNDS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	225 6	..	226 7	227	225 1	227
3 per Cent. Ryl. Ann. ..	97 6	..	96 1	96 1	96 1	96 1
3 per Cent. Cons. Ann. ..	94 1	..	94 1	94 1	94 1	94 1
New 3 per Cent. Ann. ..	97 6	..	96 1	96 1	96 1	96 1
New 2 1/2 per Cent. Ann. ..	..	..	..	..	..	..
Long Ann. (exp. Jan. 5, 1860) ..	..	..	1 3-16	..	..	1 3-16
Do. 30 years (exp. Jan. 5, 1860) ..	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860) ..	..	..	14 1/2	..	..	..
Do. 30 years (exp. Apr. 5, 1860) ..	..	..	18 1/2	..	18 1/2	18 3-16
India Stock	227	..	225	227	226	228 26
India Loan Debentures ..	99 1/2	..	99 1/2	100 99 1/2	99 1/2	99 1/2
India Scrip, Second Issue ..	99 1/2	..	99 1/2	99 1/2	99 1/2	99 1/2
India Bonds (£1,000) Mar. ..	14 11 1/2 p	..	14 8 p	..	14 12 1/2 p	..
Do. (under £500) ..	..	..	14 8 p	..	13 8 p	10 8 p
Exch. Bills (£1000) Mar. ..	37 40 1/2 p	..	37 40 1/2 p	40 36 1/2 p	39 35 1/2 p	38 36 1/2 p
Do. June ..	31 34 1/2 p	..	31 34 1/2 p	31 34 1/2 p	29 32 1/2 p	..
Exch. Bills (£500) Mar. ..	31 34 1/2 p	..	31 34 1/2 p	31 34 1/2 p	31 34 1/2 p	31 34 1/2 p
Do. June ..	31 34 1/2 p	..	31 34 1/2 p	31 34 1/2 p	31 34 1/2 p	31 34 1/2 p
Exch. Bills (Small) Mar. ..	37 8 p	..	37 8 p	40 36 1/2 p	35 8 p	30 33 1/2 p
Do. June ..	31 34 1/2 p	..	31 34 1/2 p	31 34 1/2 p	31 34 1/2 p	31 34 1/2 p
Do. (Advertised) Mar. ..	..	..	..	..	..	..
Do. June ..	..	..	..	..	..	..
Exch. Bonds, 1858, 3/4 per Cent. ..	..	..	..	..	..	..
Exch. Bonds, 1859, 3/4 per Cent. ..	..	..	..	..	..	..
per Cent. ..	..	..	100 1/2	..	..	..

Railway Stock.

RAILWAYS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc. ..	..	..	..	..	..	..
Bristol and Exeter ..	..	..	..	..	..	..
Caledonian ..	54 1/2 3/4	..	53 1/2 2/4	53 1/2	52 1/2 2	53 1/2
Chester and Holyhead ..	..	..	..	..	..	..
East Anglian ..	..	..	..	..	..	..
Eastern Counties ..	62 1/2	..	62 1/2 1/4	61 1/2	61 1/2 1/4	61 1/2
Eastern Union A. Stock ..	..	..	..	..	..	..
Do. B. Stock ..	..	..	..	..	..	..
East Lancashire ..	93 1/2	..	93 1/2 3	..	93 1/2	..
Edinburgh and Glasgow ..	..	..	63 1/2	64 1/2 3	..	..
Edin. Perth, and Dundee ..	..	..	26 1/2	..	26 1/2	..
Glasgow & South-Western ..	..	..	..	..	..	..
Great Northern ..	104 1/2	..	104 1/2 1/4	105	104 1/2 5	..
Do. A. Stock ..	90	..	..	..	90	..
Do. B. Stock ..	..	..	..	..	..	..
Gt. South & West. (Ire.) ..	..	..	..	..	..	..
Great Western ..	55 1/2 1/4	..	54 1/2 1/4	54 1/2 1/4	54 1/2 1/4	54 1/2 1/4
Do. Stour Vly. G. Stk. ..	..	..	..	..	..	..
Lancashire & Yorkshire ..	95 1/2	..	94 1/2 1/4	94 1/2 1/4	94 1/2 1/4	95 1/2
Lea. Brighton & S. Coast ..	110 1/2	..	109 1/2 1/4	110	110	109 1/2
London & North-Western ..	90 1/2 1/4	..	89 1/2 1/4	89 1/2 1/4	89 1/2 1/4	89 1/2 1/4
London & South-Western ..	93 1/2	..	93 1/2 1/4	93 1/2 1/4	93 1/2 1/4	93 1/2 1/4
Man. Sheff. & Lincoln ..	..	..	35 1/2 1/4	35 1/2 1/4	35 1/2 1/4	35 1/2 1/4
Midland ..	97 1/2 1/4	..	96 1/2 1/4	96 1/2 1/4	96 1/2 1/4	97 1/2 1/4
Do. Birm. & Derby ..	..	..	..	..	..	..
Norfolk ..	..	..	..	..	..	..
North British ..	57 1/2	..	56 1/2 1/4	55 1/2	55 1/2 1/4	55 1/2 1/4
North-Eastern (Brwk.) ..	..	..	93 1/2 2/4	93	93 1/2 2/4	..
Do. Leeds ..	47 1/2	..	..	..	..	..
Do. York ..	77 1/2	..	..	76	73 1/2	76 1/2
North London ..	27 1/2	..	..	..	..	101
Oxford, Worc. & Wolver. ..	..	..	..	..	..	..
Scottish Central ..	..	..	..	..	..	..
Scot. N.E. Aberdeen Stk. ..	..	..	27 1/2	..	..	..
Do. Scotch. Mid. Stk. ..	..	..	..	..	..	82
Shropshire Union ..	..	..	..	..	..	..
South Devon ..	36	..	..	35 1/2	35 1/2	36
South-Eastern ..	74 1/2	..	73 1/2 1/4	74 1/2	73 1/2 1/4	74 1/2 1/4
South Wales ..	..	..	75	..	..	..
Valle of Neath ..	..	..	..	..	..	..

Insurance Companies.

Equity and Law ..	6
English and Scottish Law Life ..	4
Law Fire ..	4
Law Life ..	63 1/2
Law Reversionary Interest ..	19

Law Union ..	par
Legal and General Life ..	4 1/2
London and Provincial Law ..	par
Solicitors and General ..	3 1/2

Estate Exchange Report.

(For the week ending October 29, 1858.)

AT THE MART.—By Messrs. NORTON, HOGGART, & TRIST.
Copyhold Residence, near the King's Oak, High Beech, Essex, with garden, &c., in all 28. Or. 8p.; let at £30 per annum.—Sold for £550.
Freehold, Meadow, with small Cottage and Garden, on Four Elm-bill, close to Little Upnor, Kent, in all 5a. 2r. 29p.; let at £18 per annum.—Sold for £220.
Freehold Beer-shop, "The Soldier's Home," Westcourt-street, Brompton, Kent; let at £16 per annum.—Sold for £200.

By Messrs. C. & H. WHITE.

Leaseholds, Nos. 1 to 7, Garden-cottages, New-street, Park-street, Kennington-cross, Lambeth; term, 50 1/2 years from Michaelmas, 1824; ground-rent, £20.—Sold for £2515.
Leasehold, Nos. 4 & 5, Hampshire-street, and No. 12, Clarence-place, Norfolk-street, New-street, producing £37 : 14 : 0 per annum; term, 50 1/2 years from Michaelmas, 1824; ground-rent, £9 : 10 : 0.—Sold for £1116.
Leasehold Houses and Shop, Nos. 25 to 28, John-street, Union-street, Lambeth; term, 40 years from Michaelmas, 1830; ground-rent, £19; let at £68 : 18 : 0.—Sold for £325.
Leasehold Houses, Nos. 45 to 52, Tye-street, Vauxhall, producing £156 per annum; term, 61 years from Christmas, 1825; ground-rent, £40.—Sold for £780.
Leasehold Dwelling-houses, Nos. 1 to 8, Brown's-terrace, Pitt-street, Windmill-lane, Camberwell, producing £83 : 4 : 0 per annum; term, 23 years from Michaelmas, 1842; ground-rent, £5 : 5 : 0; together with the Freehold Reversions, and of Five Houses adjoining, Nos. 13 to 17, Windmill-lane, at Christmas, 1866.—Sold for £325.

By Messrs. EDWIN FOX & BOUDFIELD.

Leasehold Semi-detached Residence, No. 6, Inverness-road, Bayswater; let at £80 per annum; term, 20 years; ground-rent, £9.—Sold for £1000.
Leasehold Houses, Nos. 20, 21, & 22, Hedger's-grove, Hackney-wick, producing £48 : 2 : 0 per annum; term, 99 years from June, 1852; ground-rent, £12 : 12 : 0 per annum.—Sold for £285.
Leasehold Private House, No. 23, Moscow-road, Bayswater; term, 5 1/2 years from Lady-day, 1838; ground-rent, £5; let at £28 per annum.—Sold for £270.
Leasehold Dwelling House, No. 9, Orford-place, Chelsea; term, 77 years from Christmas, 1823; ground-rent, £5; let at £25 per annum.—Sold for £130.
Leasehold Private House, No. 35, Margaret-street, Clerkenwell, also No. 1, Ann-street; held for 94 years from Christmas, 1821; ground-rent, £22; let at £38 per annum.—Sold for £1110.

By Mr. T. S. SMITH.

Leasehold Residence, No. 29, Clifton-street, Finsbury; let at £38 per annum; term, 48 years from Sept. 29, 1838; ground-rent, £6 : 16 : 0.—Sold for £345.
Leasehold Residence, No. 30 Clifton-street, same term and value; ground-rent, £6 : 10 : 0.—Sold for £350.
Leasehold Residence, No. 31, Clifton-street, same term, &c.—Sold for £345.
Leasehold House, No. 2, Princes-street, Finsbury; let at £38 per annum; term, 47 1/2 years from Michaelmas last; ground-rent, £5 : 8 : 0 per annum.—Sold for £290.
Leasehold, a similar House, No. 3, Princes-street, same term, &c.—Sold for £280.

By Mr. ROBERT KENTON.

Freehold, Business Premises, No. 66, Shoe-lane, Fleet-street, City; let at £40 per annum.—Sold for £480.
Leasehold, Private Residence, No. 37, Waverley-road, Westbourne-green, Paddington; let at £25 per annum; term, 99 years from December, 1848; ground-rent, £5.—Sold for £245.
Leasehold Residence, No. 10, Southgate-place, Southgate-road, De Beauvoir-town; producing £24 per annum; term, 68 1/2 years from Lady-day, 1850; ground-rent, £2.—Sold for £225.
Freehold Residence, No. 16, Lower York-street, Rotherhithe; let at £14 per annum.—Sold for £150.
Leasehold Cottages, Nos. 14 & 15, Park-street, Kennington-cross.—Sold for £145.
Leasehold Premises, No. 1, Bell-yard, Doctors'-commons; estimated value, £50 per annum; held for 19 1/2 years from December, 1854; ground-rent, £20.—Sold for £135.

By Mr. T. CHESTER HAWORTH.

Freehold, Five Plots of Building Land, Church-lane, Walthamstow.—Sold at from £24 to £26 per plot.
Freehold, Four Plots of Building Land, Park-place, Eltham, Kent.—Sold at from £39 to £70 per plot.

By Messrs. GREEN & SON.

Freehold, Two Meadows, containing 4a. 1r. 10p., Town-mend, Bexley, Kent; let at £21 per annum.—Sold for £200.

By GARRAWAY & Co.—By Mr. WALKER.

The Lease and Trade of the London and St. Katherine's Dock Hotel, Upper East Smithfield; held for 24 years, at £337 per annum.—Sold for £2000.

By Messrs. FAREBROTHER, CLARE, & LYE.

Leasehold, The Grosvenor Estate, Denbigh and Flint, North Wales, Parish Church, Parsonage, Farm, &c., in all 339 acres; estimated net rental, £2597; term, 28 years from June, 1851.—Sold for £28,700.
Freehold Residence, No. 13, Bedford-square, Brighton; let at £80.—Sold for £1375.
Freehold Residence, No. 14, Bedford-square, Brighton; let at £32 : 10 : 0 per annum.—Sold for £1250.
Freehold Residence, No. 15, Bedford-square, Brighton; let at £39 : 10 : 0 per annum.—Sold for £1240.
Freehold Stabling & Coach House, 13, Norfolk-mews, in rear of Bedford-square, Brighton; let at £16 per annum; also a cottage adjoining.—Sold for £265.

Freehold Meadow Land, 6 acres, Hard Mead, Great Amwell, Herts; let at £9 per annum; also a Cow Lease in Upper Marsh, Great Amwell; let at £11. per annum.—Sold for £280.

Leasehold Residence, 14, Chester-street, Belgrave-square; let at £170 per annum; held for 94½ years from Michaelmas, 1815; ground-rent, 30 guineas per annum. Sold for £1630.

Leasehold Residence, No. 51, Cumberland-street, Portman-square; let at £250 per annum; term, 46 years from Christmas last, at a peppercorn.—Sold for £2850.

Leasehold Residence, No. 2, Chatham-place, Blackfriars; let at £100 per annum; held for 12 years from Midsummer last, at a ground-rent of £30 per annum.—Sold for £2350.

Freehold Dwelling House, Hart-street, Covent Garden.—Sold for £175.

Policy of Assurance for £500 in the Equity & Law Life Office, on the life of a gentleman, aged 68; annual premium, £33:13:4.—Sold for £20.

By Mr. LOUND.

The Ship, Public House, Little Bridge-street, Blackfriars; held for 9 years from Michaelmas last, at a rent of £50 per annum.—Sold for £400.

By Mr. ROWE, REID.

Freehold Slaughter-house, stabling and premises, in the Hornet, Eastgate, Chichester.—Sold for £170.

By Mr. SWAIN.

Freehold Villa and Garden, No. 1, Upper Park-road, Colney Hatch; let at £25 per annum.—Sold for £250.

By Mr. WHITTINGHAM.

Freehold, Thirteen Plots of Building Land, Broad-green, Croydon.—Sold at from £75 to £250 per plot.

By J. P. SELBY.

"The Britannia," Free Public-house, Frederick-street, Westminster; term, 16½ years from Midsummer last; rent, £50 per annum.—Sold for £1000.

(For the week ending Nov. 5, 1858.)

AT THE MARY.—By Mr. MARSH.

Policy of Assurance for £3000 in the London Life Association, on the life of a gentleman in his 60th year.—Sold for £1300.

The Contingent Reversion to one-eighth part or share of £1647 Consols, receivable on the death of a widow lady, aged 65, provided her son, aged 39, survives her.—Sold for £50.

Ten £100 Shares (all paid) in the Hungerford Market Company.—Sold at £45 per share.

A Policy for £200 in the National Mercantile Life Assurance Society, on the life of a gentleman, aged 45.—Sold for £18.

The Absolute Reversion to one-sixth part of £1000 Consols, receivable on the death of a lady, aged 50.—Sold for £240.

A Policy of Assurance for £1000 in the National Provident Life Office, on the life of a gentleman, now in his 62nd year; annual premium, £14:17:8.—Sold for £260.

One Hundred £10 Shares (paid up) in the Vale of Towry Railway Company.—Sold at from £15 to £16:10:0 per share.

Leasehold Dwelling House, with Two Shops, No. 1, New North-street, Theobald's-road; let on lease at £100 per annum; term, 63 years from Midsummer, 1843; ground-rent, £14.—Sold for £795.

By Mr. PHILLIPS.

Freehold House & Shop, No. 180, Hoxton-town, and Two Shops in Myrtle-street; let on lease, expiring Michaelmas, 1866, at a rental of £16 per annum.—Sold for £385.

Leasehold Residence, No. 3, Deniston-street, Kingsland-road; let at 9s. per week; term, 60½ years from Midsummer last; ground-rent, £8.—Sold for £290.

By Mr. JOHN BURFORD.

Freehold Business Premises, No. 48, Red Lion-street; let on lease at £80 per annum.—Sold for £1000.

By Messrs. HASLAM & BUCKLAND.

A Profit Rent of £20:0:0 per annum, arising from No. 114, Lambeth-walk, Lambeth; term, expires June, 1869.—Sold for £205.

Leasehold Houses and Shops, Nos. 115 & 116, Lambeth-walk; held for a term expiring June, 1869; ground-rents, £4:8:0; let, for whole term, at £53 per annum.—Sold for £415.

Leasehold, Private Residences, Nos. 3, 4, 5, & 6, Princess-street, Stamford-street, Blackfriars; term, 24 years from Christmas next; ground-rent, £5 per house; let at £140 per annum.—Sold for £920.

Leasehold Houses, Nos. 11 & 12, Thomas-street, Stamford-street, Blackfriars; let at £40 per annum; held for 33 years from Michaelmas, 1848, at ground-rent of £9:12:0 per annum.—Sold for £250.

A Policy of Assurance in the Imperial Life Assurance Company, to secure the sum of £119:5:0 on the death of a lady, aged 62 years; annual premium, £1:17:7.—Sold for £50.

AT GARNHAWAY'S.—By Messrs. BLAKE.

Freehold Residence, "Hope Cottage," Gloucester-road, Croydon, Surrey; let at £33 per annum.—Sold for £330.

Freehold Residence, Gloucester Cottage, adjoining the above.—Sold for £310.

Freehold Detached Residence, Eagle Cottage, Gloucester-road; let at £30 per annum.—Sold for £265.

Freehold Villa Residence, "Frederick-place," Gloucester-road; let at £37 per annum.—Sold for £640.

Freehold Residence, "Clarence House," Gloucester-road; let at £33 per annum.—Sold for £330.

Freehold, Two Commodious Tenements, stable, cart-house, garden, &c., Roadside-green, Croydon.—Sold for £335.

Freehold Residence, Thornton Heath, Croydon; estimated value, £40 per annum.—Sold for £300.

By HENRY HAINES & SON.

Lease and Goodwill of the Surrey Arms Public-house, Thomas-street, Kennington-park; term, 99 years, less 17 days, from December 25, 1857; rent, £60 per annum.—Sold for £2050.

By Mr. R. A. HULLIAN.

The Lease of Webb's Hotel, Regent-circus, Piccadilly; held for 9 years from October 13, 1858, at a rental of £400 per annum.—Sold for £200.

By Messrs. WHITE & JAMISON.

Leasehold Dwelling House, No. 7, Winchester-place, Summer-place, Commercial-road, Peckham; let at £18 per annum; term, 78 years from Michaelmas, 1848; ground-rent, £3:5:0 per annum.—Sold for £145.

London Gazettes.

Bankrupts.

TUESDAY, Nov. 2, 1858.

EDMANSON, JAMES, Linen Draper, Angel-st., Sheffield. Com. Ayrton: Nov. 20 and Dec. 18, at 10; Council-hall, Sheffield. Off. Ass. Brewin. Sol. Fretson, Sheffield. Pat. Oct. 29.

FITZMAURICE, GEORGE LIONEL, Boarding & Lodging-house Keeper, 97 Gloucester-pl., Portman-sq., Com. Goulburn: Nov. 13 and Dec. 13, at 11; Basinghall-st. Off. Ass. Pennell. Sols. Lewis & Lewis, Ely-pl., Holborn. Pat. Nov. 1.

GUEST, EDWIN, Ironmonger, 253 Blackfriars-rd. Com. Fombianque: Nov. 17, at 2; and Dec. 15, at 1; Basinghall-st. Off. Ass. Stansfeld. Sols. Bell, Cowdell, & Boyce, 21 Abchurch-lane. Pat. Nov. 1.

HARRIS, JOHN, Envelope Manufacturer, 11 College-hill, Upper Thames-street. Com. Holroyd: Nov. 12, at 12.30; and Dec. 14, at 1; Basinghall-st. Off. Ass. Lee. Sols. Linklaters & Hackwood, 7 Walbrook. Pat. Oct. 30.

MANNING, SAMUEL, Mason, 66 Marybone-rd. (late New-rd.) Com. Evans: Nov. 16, at 11; and Dec. 16, at 1; Basinghall-st. Off. Ass. Bell. Sol. Atkinson, 61 Bedford-row. Pat. Oct. 22.

SAUNDERS, ROBERT GILBERT, Merchant, 16 Bush-lane, Cannon-st., and Coffee-house Keeper, Skinner-st., Snow-hill (Saunders & Co.) Com. Fombianque: Nov. 12, at 1; and Dec. 10, at 12 (not 12.30, as advertised in last Friday's Gazette); Basinghall-st. Off. Ass. Graham. Sols. Turner & Son, 8 Mount-pl., Whitechapel-rd. Pat. Oct. 19.

SLADE, WILLIAM, Paper Maker, Bagnor Paper Mills, Bagnor, near Newbury, and East Hagbourne, Berks, and Hurstbourne Priors, near Whitechurch, Co. Southampton. Com. Fombianque: Nov. 17, at 1; and Dec. 18, at 12; Basinghall-st. Off. Ass. Stansfeld. Sols. Smith & Sons, 6 Barnard's-inn. Pat. Oct. 30.

WILLS, JAMES HENRY, Licensed Victualler, Windsor Castle, Hammer-smith. Com. Holroyd: Nov. 12, at 11; and Dec. 7, at 1; Basinghall-st. Off. Ass. Lee. Sols. Thomson & Son, 60 Cornhill. Pat. Nov. 1.

WINTER, HENRY LOUIS, Mill Owner, 21 New North-st., Finsbury. Com. Fane: Nov. 12, at 11; and Dec. 10, at 12.30; Basinghall-st. Off. Ass. Cannan. Sols. Lawrence, Plevins, & Boyer, 14 Old Jewry-chambers. Pat. Oct. 30.

FRIDAY, Nov. 5, 1858.

ATKINSON, JOSEPH, Outfitter, Blackpool. Com. Perry: Nov. 19, at 12; and Dec. 6, at 11; Liverpool. Off. Ass. Morgan. Sols. Sale, Worthington, & Shipman, Manchester; or Evans & Sons, Liverpool. Pat. Nov. 1.

BEDDLE, DIXON, General Dealer, Bourn, Lincolnshire. Com. Balguy: Nov. 15 and Dec. 9, at 10.30; Shire-hall, Nottingham. Off. Ass. Harris. Sols. Bourn, or James & Knight, Birmingham. Pat. Nov. 3.

BISHOP, ROBERT, Licensed Victualler, Sieve Public-house, Church-st., Minorca. Com. Goulburn: Nov. 15 and Dec. 20, at 11; Basinghall-st. Off. Ass. Nicholson. Sols. Wright & Bonner, 15 London-st., Fenchurch-st. Pat. Nov. 2.

CHASE, RICHARD, Cheese Factor, Bristol. Com. Hill: Nov. 16 and Dec. 13, at 11; Bristol. Off. Ass. Miller. Sol. Henderson, Bristol. Pat. Nov. 3.

DAVIS, JOHN THOMAS, Grocer, Alton, Hants. Com. Fombianque: Nov. 17, at 2.30; and Dec. 18, at 1; Basinghall-st. Off. Ass. Graham. Sols. Richardson & Sadler, 15 Old Jewry-chambers. Pat. Oct. 29.

FRASER, EDMUND WILLIAM, Contractor, 2 Kensington-park-ter. North, Notting-hill. Com. Evans: Nov. 16, at 12.30; and Dec. 23, at 12; Basinghall-st. Off. Ass. Johnson. Sol. Chidley, Basinghall-st. Pat. Oct. 26.

GOODCHILD, JOSEPH, Cattle Dealer, Caldicott-hill, Aldenham, Herts. Com. Fombianque: Nov. 16, at 1.30; and Dec. 18, at 12; Basinghall-st. Off. Ass. Graham. Sol. Wellborne, 17 Duke-st., London-bridge. Pat. Oct. 2.

HARRIS, WILLIAM, & HENRY TATHAM, Worsted Manufacturers, Cullingworth, near Bingley, Yorkshire. Com. Ayrton: Nov. 18 and Dec. 17, at 11; Commercial-bldgs., Leeds. Off. Ass. Young. Sols. Cross, Bradford; Lees, Bradford; or Bond & Barwick, Leeds. Pat. Nov. 2.

HEATH, WILLIAM RICHARD, Electroplater, Birmingham. Com. Balguy: Nov. 17 and Dec. 13, at 10.30; Birmingham. Off. Ass. Whitmore. Sol. Smith, Birmingham. Pat. Nov. 3.

HENRY, JOSEPH, Upholsterer, 1 Craven-ter., Craven-hill, Bayswater. Com. Goulburn: Nov. 15 and Dec. 30, at 1; Basinghall-st. Off. Ass. Nicholson. Sols. Tate & Dodd, 33 Bucklersbury. Pat. Nov. 3.

LEHRNER, OMILON, Watch & Clock Maker, 9 Rathbone-pl., Oxford-st. Com. Holroyd: Nov. 16, at 2.30; and Dec. 14, at 2; Basinghall-st. Off. Ass. Lee. Sols. Taylor & Woodward, 26 Great James-st., Bedford-row. Pat. Nov. 1.

MASON, EDWARD, Commission Agent, 67 Piccadilly, Manchester. Nov. 16 and Dec. 14, at 12; Manchester. Off. Ass. Pott. Sols. Cobbett & Wheeler, Brown-st., Manchester. Pat. Nov. 2.

TAYLOR, ANNE, Provision Dealer, Newcastle-under-Lyme. Com. Balguy: Nov. 19 and Dec. 9, at 11.30; Birmingham. Off. Ass. Kinneir. Sol. Smith, Birmingham. Pat. Nov. 2.

WILCOCK, WILLIAM UNY, Builder, late of Luccan-pl., Hoxton, now a prisoner in the Queen's Prison, Whitecross-st. Com. Evans: Nov. 16, at 1; and Dec. 17, at 11; Basinghall-st. Off. Ass. Bell. Sol. Holmes, Jan., 34 Bucklersbury. Pat. Nov. 3.

WILKINS, THOMAS, Jun., Carpenter, 7 Milner-ter., Sloane-st., Chelsea. Com. Evans: Nov. 16, at 12; and Dec. 16, at 2; Basinghall-st. Off. Ass. Bell. Sols. Gregory, Skirrow, & Rowcliffe, 1 Bedford-row. Pat. Oct. 29.

WILKINSON, JOHN, & WILLIAM JOSEPH WILKINSON, Engineers, Wallington-st., Kingston-upon-Hull. Com. Ayrton: Nov. 17 and Dec. 15, at 12; Town-hall, Kingston-upon-Hull. Off. Ass. Carrick. Sol. Spary, Kingston-upon-Hull. Pat. Oct. 30.

WOOTTON, EDWARD, Iron Manufacturer, Wednesbury, lately in copartnership with Noah Fellows, Selly Oak, Worcester. Com. Balguy: Nov. 18 and Dec. 9, at 11.30; Birmingham. Off. Ass. Whitmore. Sols. James & Knight, Birmingham. Pat. Nov. 3.

MEETINGS.

TUESDAY, Nov. 3, 1858.

ARKE, JAMES, Currier, Sunderland. Div. Nov. 23, at 12.30; Royal-arcade, Newcastle-upon-Tyne. Com. Ellison.

BUCKLEY, GEORGE, Deal & Mahogany Merchant, 12 Upper North-st., St. Matthew's, Bethnal-green. Div. Nov. 23, at 2; Basinghall-st., Com. Holroyd.

BRACHER, FREDERICK, Tailor, 33 Old Jewry. Div. Nov. 23, at 2; Basinghall-st. Com. Holroyd.

CLARK, THOMAS BURNHAM, Licensed Victualler, 27 Minories. *Dis. Nov. 24, at 12; Basinghall-st. Com. Goulburn.*

CRAWFORD, MATTHEW, Iron Founder, Low Elswick, Newcastle-upon-Tyne. *Dis. Nov. 26, at 11:30; Royal-arcade, Newcastle-upon-Tyne. Com. Ellison.*

CURTIS, WILLIAM TYNEN, Merchant, 17 Great St. Helen's. *Dis. Nov. 23. Basinghall-st. Com. Foulbancue.*

DEACON, THOMAS ELIHA, Tanner, Hemel Hempstead. *Dis. Nov. 23, at 13; Basinghall-st. Com. Holroyd.*

DUNHAM, JOHN, Licensed Victualler, Dr. Johnson's-tavern, Bolt-st. Fleet-st. *Dis. Nov. 24, at 1; Basinghall-st. Com. Goulburn.*

DURN, WILLIAM, Grocer, North Shields. *Final Div. Dec. 2, at 12; Royal-arcade, Newcastle-upon-Tyne. Com. Ellison.*

EWY, JAMES, Smith, 9 Edward-st., Deptford. *Dis. Nov. 23, at 11; Basinghall-st. Com. Evans.*

JONES, PHILIP, Shareholder of the Monmouthshire & Glamorganshire Banking Co., Llangatlock, Monmouthshire. *Final Div. Dec. 2, at 11; Bristol. Com. Hill.*

KNIE, JOHN (not Knit, as advertised in last Tuesday's *Gazette*), Baker, Dunchurch. *Last Ex. (previously adjd. sine die) Nov. 13, at 11:30; Birmingham. Com. Balguy.*

KURN, MARTIN, Lachman, 259 Regent-circle, Oxford-st., and at Scarborough, under firm of Nunn & Co. *Final Div. Nov. 24, at 1; Basinghall-st. Com. Goulburn.*

OAK, WILLIAM COVENTRY, & CHARLES HARTINGS SNOW, Bankers, Blanford Forum, Dorset. *Dis. joint est. and sep. est. of C. H. SNOW, Nov. 23, at 1; Basinghall-st. Com. Holroyd.*

OKELL, JOSEPH, Merchant, Union-st., Old Broad-st., trading in partnership with LEWIS COOKS HERTSLET, under firm of Moberly & Co. *Dis. sep. est. of each, Nov. 23, at 1:30; Basinghall-st. Com. Foulbancue.*

RANDALL, WILLIAM, Hotel-keeper, New-inn, Maidstone. *Final Div. Nov. 24, at 1; Basinghall-st. Com. Goulburn.*

SAMSON, LAZARUS, Merchant, Houndsditch. *Dis. Nov. 23, at 11; Basinghall-st. Com. Foulbancue.*

TENBY, WILLIAM, Cheesemonger, Great Castle-st., Cavendish-sq. *Dis. Nov. 23, at 11; Basinghall-st. Com. Evans.*

THOMAS, DANIEL, Draper, Carnarvon. *Last Ex. (previously adj. sine die) Nov. 18, at 12:30; Basinghall-st. Com. Perry.*

FRIDAY, Nov. 5, 1858.

BAXTER, MICHAEL, Warehouseman, Wadling-st. *Dis. Nov. 26, at 12; Basinghall-st. Com. Holroyd.*

BEALBY, RICHARD R., & DAVID BEALBY, Shirt & Stock Manufacturers, Aylton-st., Manchester. *Second Div. Dec. 2, Manchester. Com. Skirrow.*

BIBBO, MATTHEW EDWIN, & EDWARD SHEPPARD GISSING, Wholesale Stationers, 76 Cannon-st. West. *Dis. Nov. 29, at 1; Basinghall-st. Com. Goulburn.*

CHRISTIAN, HENRY, Coffee Merchant, 9 Mining-lane. *Last Ex. Nov. 17, at 1:30; Basinghall-st. Com. Goulburn.*

GOODCHILD, AUGUSTUS THOMAS, Ironmonger, 54 Three Colt-st., Limehouse. *Dis. Nov. 26, at 12; Basinghall-st. Com. Goulburn.*

GOOLB, EBERESK, Bookseller, Leamington Priors, Warwickshire. *Dis. Nov. 27, at 11:30; Birmingham. Com. Balguy.*

GRIMSHAW, JOHN, Cloth Manufacturer, Gulseley, Yorkshire. *Dis. Dec. 13, at 11; Commercial-bldgs., Leeds. Com. Ayrton.*

JOHNSON, THOMAS, Ship Owner, West Hartlepool. *Last Ex. (by adj. from Oct. 26) Nov. 16, at 11; Royal-arcade, Newcastle-upon-Tyne. Com. Ellison.*

JONES, EDWARD, Timber Merchant, Canal Saw Mills, Chester. *Dis. Nov. 28, at 11; Liverpool. Com. Perry.*

JOWE, WILLIAM, Inkkeeper, East Grinstead, Sussex. *Dis. Nov. 26, at 12:30; Basinghall-st. Com. Goulburn.*

LAMB, JAMES, EDWARD LEWIS, & WILLIAM THOMAS ALLUM, Cement Manufacturers, Woudham, Kent, and Kingland-rd., Middlesex (T. Freen & Co.) *Dis. sep. est. of E. Lewis, Nov. 23, at 12; Basinghall-st. Com. Goulburn.*

LEACH, JOHN CARTER, & THOMAS LUCAS, Wholesale Druggists, 113 Aldersgate-st. *Dis. joint est. and Dis. sep. est. of J. C. Lewis, Nov. 26, at 1; Basinghall-st. Com. Goulburn.*

MCKINNEIL, CHARLES, Merchant, Great St. Helen's. *Last Ex. Dec. 2, at 12; Basinghall-st. Com. Evans.*

MORGAN, JOHN CLARKE, Inkkeeper, Hereford. *Dis. Dec. 3, at 11:30; Birmingham. Com. Balguy.*

PALMER, JAMES, Hop Merchant, Worcester. *Last Ex. (previously adjd. sine die) Nov. 19, at 11:30; Birmingham. Com. Balguy.*

PEARSON, WILLIAM, Market Gardener, East Bergholt, Suffolk. *Dis. Nov. 26, at 1; Basinghall-st. Com. Goulburn.*

POWELL, WILLIAM RUFUS, Ship & Insurance Broker, 138 Leadenhall-st. (W. Rufus Powell & Co.), lately in copartnership with John Morrison (J. Morrison & Co.) *Last Ex. (by adj. from Oct. 13) Nov. 16, at 12; Basinghall-st. Com. Foulbancue.*

SHAW, FREDERICK FRANCIS, Ironmonger, 259 Blackfriars-rd. *Dis. Nov. 29, at 12; Basinghall-st. Com. Goulburn.*

SMITH, EDWARD, Baker, Isleworth. *Dis. Nov. 26, at 12:30; Basinghall-st. Com. Holroyd.*

STARKEY, JOHN, & JOHN FREDERICK ADOCK, Percussion Cap Makers, Birmingham. *Dis. Nov. 26, at 11:30; Birmingham. Com. Balguy.*

TYLER, WILLIAM, Printer, Bolt-st., Fleet-st. *Dis. Dec. 9, at 11; Basinghall-st. Com. Evans.*

VIVOND, UTRICK, Flour Miller, Alston, Cumberland. *Final Div. Nov. 30, at 11; Royal-arcade, Newcastle-upon-Tyne. Com. Ellison.*

WALTON, WILLIAM, Grocer, King-st., Richmond, Surrey. *Dis. Nov. 26, at 12; Basinghall-st. Com. Goulburn.*

WHITFIELD, HENRY, Boot & Shoe Maker, Leamington Priors, Warwickshire. *Dis. Nov. 26, at 11:30; Birmingham. Com. Balguy.*

WOODS, FREDERICK CHALMERS, Fancy Cabinet Maker, 9 Long-lane, West Smithfield. *Dis. Nov. 26, at 1:30; Basinghall-st. Com. Goulburn.*

DIVIDENDS.

TUESDAY, Nov. 2, 1858.

BUTLER, SPITSBURY, CHRISTOPHER BAXTER, & CHARLES EDWARD BUTLER, Wire Drawers, Birmingham. *First, 4s. 4d. Kinross, 37 Waterloo-st., Birmingham; any Thursday, 11 to 2.*

BRAYNE, JAMES, & HENRY BRAYNE, Builders, Bristol. *Div. 1s. 9d. Miller, 19 St. Augustine's-parade, Bristol; any Wednesday, 11 to 1.*

DAVID, THOMAS, Butcher, Abercromby. *Div. 2s. Miller, 19 St. Augustine's-parade, Bristol; any Wednesday, 11 to 1.*

HONE, HENRY, Lace-maker & Outfitter, Piccadilly. *First, 9d. Edwards, 22 Basinghall-st.; Nov. 3, and three subsequent Wednesdays, 11 to 2.*

JONES, WALTER & CHARLES, Wax & Tallow Chandlers, 15 High-st., Islington. *First, 2s. 1d. Edwards, 22 Basinghall-st.; Nov. 3, and three subsequent Wednesdays, 11 to 2.*

LAST, WILLIAM HENRY, Commission Agent, 20 Cannon-st. West, and 1 Albion-ter., Gloucester-rd., Islington. *First, 20s. Edwards, 22 Basinghall-st.; Nov. 3, and three subsequent Wednesdays, 11 to 2.*

LIEPMANN, MARTIN, Lace Manufacturer, Nottingham. *Second, 1s. 9d. Harris, Middle-pavement, Nottingham; Nov. 1, or three following Mondays, 11 to 3.*

M'CLEAN, JAMES, & TERENCE CHARLES M'CLEAN, Wide Merchants, Turnagain-lane, Skinner-st., Snow-hill. *First, 7d. Stansfeld, 10 Basinghall-st.; any Thursday, 11 to 2.*

MEDWIE, THOMAS CHARLES, & CREWELL HALL, Engineers, 99 Blackfriars-rd. *First, 11d. Stansfeld, 10 Basinghall-st.; any Thursday, 11 to 2.*

OWEN, JOHN, & JOHN MATTHEW GUTCH, Bankers, Worcester. *Second, 5s. joint est.; Second, 17s. 6d. sep. est. of J. Owen; and Second, 20s. sep. est. of J. M. Gutch. Whitmore, 19 Temple-st., Birmingham; any Tuesday, 11 to 3.*

ROBINSON, THOMAS, jun., Watch Maker, Sheffield. *First, 3s. 4d. Brewin, 11 St. James's-st., Sheffield; any Thursday, 11 to 2.*

ROWLEY, SAMUEL, Grocer, Sheffield. *First, 5s. 8d. Brewin, 11 St. James's-st., Sheffield; any Tuesday, 11 to 2.*

SCOTT, ABRAHAM, Ironmonger, Manchester. *Second, 1s. 2d. Fraser, 45 George-st., Manchester; any Tuesday, 11 to 1.*

SEATON, WILLIAM NEWBOLD, Table Knife Manufacturer, Sheffield. *First, 2s. 3d. Brewin, 11 St. James's-st., Sheffield; any Tuesday, 11 to 2.*

SHERBORN, HENRY CHARLES, Grocer, Odham. *First, 6s. Stansfeld, 10 Basinghall-st.; any Thursday, 11 to 2.*

SMITH, SIAH, Inkkeeper, Radcliffe-bridge. *First, 6s. 8d. Poll, 76 George-st., Manchester; any Tuesday, 11 to 1.*

TRONICRAFT, THOMAS, Coal Merchant, Leicester. *First, 6d. Harris, Middle-pavement, Nottingham; Nov. 1, or three following Mondays, 11 to 3.*

WHEEL, JOHN, Miller, Loughborough. *First, 3s. 6d. Harris, Middle-pavement, Nottingham; Nov. 1, or three following Mondays, 11 to 3.*

YEATS, JAMES SEBASTIAN, Stock & Share Broker, 6 Bank-chambers, Lotherbury. *First, 7s. 6d. Stansfeld, 10 Basinghall-st.; any Thursday, 11 to 2.*

FRIDAY, Nov. 5, 1858.

BEARD, JAMES, & EDWARD THOMAS, Brewers, Cardiff & Bideford. *Dis. 4s. 6d. Miller, 19 St. Augustine's-parade, Bristol; any Wednesday, 11 to 1.*

BETTS, JOHN, Grocer, Bristol. *Div. 2s. 6d. on new proofs, in part of former dividend of 6s. 9d. Miller, 19 St. Augustine's-parade, Bristol; any Wednesday, 11 to 1.*

ELIAS, THOMAS, Steel Manufacturer, Sheffield. *First, 1s. 11d. Brewin, 11 St. James's-st., Sheffield; any Tuesday, 11 to 3.*

GLADSTONE & BOND, General Booksellers, Manchester. *First, 10d. on new proofs, joint est.; and Second, 4s. 3d. sep. est. of J. C. Bond. Fraser, 45 George-st., Manchester; any Tuesday, 11 to 1.*

GRAY, ROBERT, Glass Merchant, Nottingham. *First, 5s. Harris, Middle-pavement, Nottingham; on next four Mondays, 11 to 3.*

HEARNshaw, PAUL, Coal Merchant, Sheffield. *First, 4s. 6d. Brewin, 11 St. James's-st., Sheffield; any Tuesday, 11 to 2.*

HILL, DAVID, Cattle Dealer, Eden-hall, Cumberland. *First, on new proofs since Feb. 25, 9d. (being in part of former div. of 4s. 3d.) Baker, Royal-arcade, Newcastle-upon-Tyne; any Saturday, 10 to 3.*

LUMSDON, JAMES & WILLIAM, Chain & Anchor Manufacturers, South Shields. *First, 4s. Baker, Royal-arcade, Newcastle-upon-Tyne; any Saturday, 10 to 3.*

NUTT, GEORGE JEFFRIES, Grocer, Derby. *First, 6s. Harris, Middle-pavement, Nottingham; next four Mondays, 11 to 3.*

PENNY, WILLIAM, Brewer, Newport, Monmouthshire. *Div. 6d. Miller, 19 St. Augustine's-parade, Bristol; any Wednesday, 11 to 1.*

ROSE, MICHAEL, Boot & Shoe Manufacturer, Manchester. *First, 1s. 7d. Fraser, 45 George-st., Manchester; any Tuesday, 11 to 1.*

CERTIFICATES.

To be ALLOWED, unless Notice be given, and Cause shown on Day of Meeting.

TUESDAY, Nov. 2, 1858.

BRIKARD, URBAIN, Tailor, 9 Sherrard-st., Golden-aq. *Nov. 24, at 12; Basinghall-st.*

BRYANT, WILLIAM FRANCIS FITZGERALD POWELL, Iron Founder, Bridgend, Glamorganshire. *Nov. 23, at 11; Bristol.*

COOPER, ANN, Domett Manufacturer, Haslingden. *Nov. 28, at 11:30; Manchester.*

GALATHE, STEPHEN CONSTANTINE, Insurance Broker, Liverpool. *Nov. 23, at 11; Liverpool.*

ROBERTS, JOSEPH, Ironmonger, Liverpool. *Nov. 23, at 12; Liverpool.*

FRIDAY, Nov. 6, 1858.

ARGENT, JOHN, Licensed Victualler, Rainbow Tavern, 15 Fleet-st. *Nov. 26, at 1; Basinghall-st.*

ELTOFF, GEORGE, Draper, Bradford. *Nov. 30, at 11; Commercial-bldgs., Leeds. First, 2s. 3d. Sep. est. of J. C. Lewis, Nov. 26, at 1; Basinghall-st. Com. Goulburn.*

KELLY, WILLIAM, Common Brewer, Chester. *Nov. 26, at 12; Liverpool.*

MOORE, THOMAS, Inkkeeper, South Shore, Blackpool. *Nov. 26, at 11; Liverpool.*

REDMAN, JOSEPH, Stuff Manufacturer, Bradford. *Dec. 5, at 11; Commercial-bldgs., Leeds.*

RIPLEY, GEORGE, Iron Founder, St. Helen's, Lancashire. *Nov. 26, at 11; Liverpool.*

SCHLESINGER, CHARLES FREDERICK, EDWARD SCHLESINGER, & CHARLES F. RYTER, Drysalers, 9 & 10 Basinghall-st. *Nov. 27, at 12; Basinghall-st.*

WARDLEWORTH, ABRAHAM, Dyer, Prestwich, Lancashire. *Nov. 26, at 12; Manchester.*

To be DELIVERED, unless APPEAL be duly entered.

TUESDAY, Nov. 2, 1858.

FLETCHER, THOMAS, Cheesemonger, 46 Farringdon-st. *Oct. 27, 3rd class.*

GRAY, ROBERT, Merchant, Nottingham. *Oct. 26, 2nd class.*

GRAVES, THOMAS, & HENRY WILKINSON, Plumbers & Glaziers, Leamington. *Oct. 26, 2nd class.*

GREATORREX, WILLIAM, & JOHN GREATORREX, Boot & Shoe Manufacturers, Leicester. *Oct. 26, 2nd class.*

GRIFFITHS, SAMUEL, Broker, Wolverhampton. *Oct. 25, 1st class.*

LEE, EDWARD, Ironmonger, Shrewsbury. *Oct. 25, 3rd class.*

SIMMONS, JAMES, Confectioner, Sevenoaks. *Oct. 27, 1st class.*

SUTTON, WILLIAM, Grocer, Totall. Oct. 23, 3rd class.
WILLIAMS, GEORGE COCKFIELD, Corn Dealer, Northampton. Oct. 27, 1st class.
WILSON, HENRY, Merchant, Liverpool. Oct. 29, 2nd class.

FRIDAY, Nov. 5, 1858.

ANKER, JAMES, Carrier, Sunderland. Oct. 27, 3rd class; to be suspended till April 27.
BRIDGES, GEORGE ROSE, Innkeeper, Burton-upon-Trent. Oct. 29, 3rd class.
READBURN, HENRY, Butcher, Tunstall. Oct. 29, 3rd class.
ROBERT, ROBERT, Builder, Birmingham. Oct. 29, 3rd class.
HUNTER, SAMUEL, & NICHOLAS HUNTER, Anchor Manufacturers, Hartlepool. Oct. 29, 3rd class to S. Hunter.
JOHN, JOHN, Stationer, 18 High Holborn. Oct. 30, 3rd class.
LANE, CHARLES, Cab Proprietor, 44 Savoy-st., Strand. Oct. 29, 1st class.
MILLER, GEORGE, & JAMES TERRAS, Joiners, Ardwick. Oct. 26, 1st class.
ROBINSON, GEORGE, Builder, West Hartlepool. Oct. 27, 3rd class.
TUCKER, WILLIAM OWEN, Builder, Lea-bridge-road, Essex. Oct. 29, 1st class.
TURNBULL, RALPH, News Agent, Percy-st., North Shields. Oct. 29, 3rd class; to be suspended till Jan. 1.
DUNWOOD, WILLIAM, Tea Dealer, 35 Gracechurch-st., Oct. 29, 2nd class.
WHITE, GEORGE, Grocer, Birmingham. Oct. 29, 3rd class.
WILMAN, EDWARD, Carrier, Dewsbury. Nov. 1, 3rd class.
WRIGHT, SAMUEL, Grocer, Longton, Stoke-upon-Trent. Oct. 29, 2nd class.

Professional Partnership Dissolved.

TUESDAY, Nov. 2, 1858.

H. D. WARTER & R. H. BURNES, Attorneys & Solicitors, 1 Carey-st., Lincoln's-inn; by mutual consent, Oct. 30.

Assignments for Benefit of Creditors.

TUESDAY, Nov. 3, 1858.

BEECHER, EDWARD, Farmer, Brencley, Kent. Oct. 26. *Trustees*, T. Wickens, Grocer, Brencley; S. Beecher, Farmer, Brencley. Creditors to execute before Dec. 26. *Sol.* Joel, 16 Earl-st., Maidstone.
BOURNE, CHARLES, Grocer, South Clifton, Notts. Oct. 18. *Trustees*, P. Platts, Draper, Gainsborough; J. Gilbert, Grocer, Newark. Creditors to execute on or before Jan. 18. *Sol.* Bladen, Gainsborough.
JELLEY, CHARLES HENRY, Machinist, Oundle, Northamptonshire. Oct. 16. *Trustees*, B. HESCOE, Farmer, Barnwell; R. ROBY, Engineer, Lincoln. Creditors to execute before Dec. 16. *Sol.* Deacon, Northampton.
JOHN, THOMAS BARKER, Brewer, Brecon. Oct. 29. *Trustees*, R. Fowell, Maltrist, Brynderwen, Llanguasty Talyllyn; T. Williams, Farmer, Scethrop, Llansainfrad; J. Morris, Chemist, Brecon. *Sol.* Thomas, Brecon.
WRIGHT, SAMUEL WILLIAMS, Farmer, Witchford, Isle of Ely. Oct. 23. *Trustees*, C. Burt, Farmer, Leadenham, Lincolnshire; E. Burt, Farmer, Welborne. Creditors to execute before Jan. 23. *Sol.* Marshall, Forehill, Ely.

FRIDAY, Nov. 5, 1858.

GARDNER, GEORGE, Linen Draper, Chichester. Oct. 11. *Trustees*, H. Morley, Warehouseman, Friday-st.; J. F. Rawson, Warehouseman, St. Paul's-churchyard. Creditors to execute before Jan. 11. *Sol.* Loxley, 30 Cheapside.
HODGES, JOHN, Baker, Shepton Mallet, Somerset. Oct. 29. *Trustees*, T. J. Moon, Miller, Frome; J. Cook, Builder, Shepton Mallet; W. Lewis, Grocer, of same place. Creditors to execute before Dec. 29. *Sols.* Hobbs & Alder, Wells.
JOHN, EDWIN HORATIO, Draper, Lambeth-walk, Surrey. Oct. 23. *Trustees*, J. T. Stutard, Wood-st., and H. W. Castle, Love-lane, Warehousemen. *Sols.* Mason & Sturt, 7 Gresham-st.
KNOPPER, THOMAS COLLETT, Draper, Harwood-pl., Hampstead-rd. Nov. 1. *Trustees*, J. F. Rawson, St. Paul's-churchyard, and E. Caldecott, Cheapside, Warehousemen. *Sol.* Jones, 15 Sise-lane.
WATKINSON, WILLIAM, Yeoman, Torksey, Lincolnshire. Oct. 6. *Trustees*, J. Middleton, Wholesale Grocer, Kingston-upon-Hull; T. A. Farmer, Iron Merchant, Gainsborough. Creditors to execute before Jan. 6. *Sol.* Worsley, Gainsborough.
WOOD, JAMES, Woollen Draper, Bishopgate-st. Without. Oct. 26. *Trustees*, G. Howes, Warehouseman, St. Paul's-churchyard; T. Chadwick, Warehouseman, Aldermanbury. *Sol.* Jones, 15 Sise-lane.
WILSON, WILLIAM FOPHILL, Spirit Merchant, Gateshead. Oct. 13. *Trustees*, R. Wylie, Iron Founder, Newcastle-upon-Tyne. Creditors to execute before Jan. 13. *Sol.* Joel, 76 Grey-street, Newcastle-upon-Tyne.

Creditors under Estates in Chancery.

FRIDAY, Nov. 5, 1858.

JENKIN, GOODMAN, Esq., late of Laytner-house, Hammermith (who died in Feb. 1864). Tyndall v. Jenkin, V. C. Stuart. *Last Day for Proof*, Dec. 20.
MILES, THOMAS, Coach Builder, Long Acre (who died in Aug. 1844). Miles v. Davies, V. C. Stuart. *Last Day for Proof*, Dec. 16.
STEVENSON, RICHARD, Esq., New Brighton, Cheshire, and Liverpool, late one of the Commissioners of the District Court of Bankruptcy at Liverpool (who died in June, 1858). Holdship v. Stevenson. *Last Day for Proof*, Dec. 6, at District Registrar's Office, 1 North John-st., Liverpool.
STEWART, ABRAHAM, Teacher, Newchurch, Kent (who died on May 12, 1857). Jones v. Clerk, M. B. *Last Day for Proof*, Dec. 4.
TAYLOR, WILLIAM, Gent., Louth (who died in Jan. 1849). Tong v. Hyde, V. C. Stuart. *Last Day for Proof*, Dec. 10.

Windings-up of Joint Stock Companies.

FRIDAY, Nov. 5, 1858.

UNLIMITED, IN CHANCERY.
WILLIAM'S STEAM FUEL COMPANY.—The Master of the Rolls will proceed, on Nov. 20, at 12, at his Chambers, to settle the list of Contributors.
Scotch Requisitions.
TUESDAY, Nov. 3, 1858.
ANDERSON, THOMAS, Tobacco-merchant, Saltmarket-st., Glasgow. Nov. 9, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Oct. 30.
BROWN, WILLIAM, Fishier, Elgin. Nov. 9, at 1; Gordon Arms-hotel, Elgin. *Seq.* Oct. 27.

DOUGLAS, JOHN, Wright, 19 Marlborough-st., Glasgow. Nov. 9, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Oct. 29.
FRASER, REV. ROBERT WILLIAM, Parish Minister, 6 Hope-pl., Edinburgh. Nov. 9, at 1; Dowells & Lyon's rooms, 18 George-st., Edinburgh. *Seq.* Oct. 29.
LEITCH, WILLIAM, Writer, Glasgow. Nov. 9, at 12; Crow-hotel, George-st., Glasgow. *Seq.* Oct. 28.
PARK, GAVIN, Fleisher, Kilmun, 3 Cambridge-st., Glasgow. Nov. 9, at 12; Strone-hotel, Kilmun. *Seq.* Oct. 27.
TEMPERLEY, THOMAS CHAM, formerly of Newcastle-upon-Tyne, then of Pleasureton, near Newcastle-upon-Tyne, now of 37 Tower-st., Portobello, lately in partnership with CHARLES SPAINSMANN (Temperley & Spainsmann), Ship Brokers. Nov. 10, at 3; Stevenson's-rooms, 4 St. Andrew's-sq., Edinburgh. *Seq.* Oct. 29.
WALLACE, JAMES, Woolspinners, Devon-side. Nov. 9, at 3; Royal Oak-hotel, Alloa. *Seq.* Oct. 29.
WATT, ALEXANDER, Cattle Dealer, Dumfries. Nov. 5, at 12; Commercial-hotel, Dumfries. *Seq.* Oct. 27.

FRIDAY, Nov. 5, 1858.

ARCHIBALD, MICHAEL, Commission Agent, late of Perth, now prisoner in Stirling Prison. Nov. 13, at 12; Golden Lion Hotel, Stirling. *Seq.* Nov. 1.
CARRIEK, JOHN (J. Carriek & Co.), Timber Merchant, Glasgow. Nov. 9, at 12; Procurators'-hall, Glasgow. *Seq.* Oct. 30.
LEIGH, ALFRED, Attorney-at-Law, now of Kinnoul-st., Perth, formerly of Hebers within Middleton, Lancashire. Nov. 12, at 12; Salvation-hotel, Perth. *Seq.* Nov. 2.
MACRAE, ROBERT, Innkeeper, Invergardion. Nov. 13, at 12; Commercial-inn, Invergardion. *Seq.* Oct. 29.
RAMSEY, BRUCE KERR, Clerk, Saint Ninian, near Stirling. Nov. 13, at 12; Golden Lion-hotel, Stirling. *Seq.* Nov. 1.
SERVICE, NEIL, Joiner, Helensburgh. Nov. 12, at 12; Tomline-hotel, Helensburgh. *Seq.* Nov. 1.

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Henry Vigne, Esq.

Subscribed Capital £2,000,000, (of which £945,000 is paid up, but it is stipulated in all Contracts that the Company shall not be required to have or keep up a larger paid up Subscription Capital than £500,000).

LIFE DEPARTMENT.—The total Bonuses added at the five past Divisions of Profit exceeded £913,000. At the last valuation, at Christmas, 1854, the Assurances in force exceeded £4,340,000, the Income from the Life Branch £200,000 per annum, and the Life Assurance Fund (after Division of Profits) £1,540,000.

DIVISION OF PROFITS AT CHRISTMAS, 1859.—Life Assurance Policies, effected on the Profit Scale, BEFORE CHRISTMAS, 1859, will participate according to their respective interests, in Four-fifths of the Profits for the Quinquennial period to Christmas, 1859. Prospectuses and forms of Proposal may be obtained from the Head Office, or from any of the Agents.

FIRE DEPARTMENT.—Insurances are effected upon every description of property at moderate rates.

Losses caused by Explosion of Gas are admitted by this Company.

THOS. TALLEMACH, Secretary.

TO THE OWNERS OF HOUSE PROPERTY IN AND NEAR LONDON.

THE RENT GUARANTEE SOCIETY.

THUSTERS.

Thomas Brasey, Esq., 56, Lowndes-square.

John Horatio Lloyd, Esq., 1, King's Bench Walk, Temple.

Cuthbert Wm. Johnson, Esq., F.R.S., Gray's-inn, and Croydon.

James L. Ridgway, Esq., 169, Piccadilly.

This Society has been in full and beneficial operation since 1850. It was incorporated for the purpose of securing to LANDLORDS, TITHE-OWNERS, MORTGAGEES, TRUSTEES, and others, the receipt of INCOMES, from Estates, Houses, and other Property, with the same regularity as dividends from the Public Funds. The Society also Manages and Collects Rents without guarantee, offering the security of a large subscribed capital (£100,000), for the certain and prompt payment of all sums collected.

A moderate Commission covers all charges for Management, Superintending Repairs, Re-letting, and Collection of Rent. The Society are now acting as Receivers under Chancery, the Court having sanctioned their appointment. For particulars apply at the Society's Office, 3, Charlotte-row, Mansion House, London.

When Clients are introduced direct to the Society by Solicitors, one-third of the Commission will be allowed, and the legal business connected with the Property will, in all cases, be referred to the Solicitor of the Client.

LAW STUDENTS' DEBATING SOCIETY,

AT THE LAW INSTITUTION, CHANCERY-LANE.

QUESTIONS FOR DISCUSSION.

For Tuesday, November 9th, 1858. President—Mr. WALTERS.

218.—A policy of insurance contains a condition that in the event of the assured dying by his own hands the policy shall be void. The insured becomes insane, and while in that state commits suicide. Is the insurance company bound to pay the sum insured? *Schwabe v. Cliff*, 3 C. B. 437.

Affirmative—Mr. JACOBS and Mr. LANGELODE.

Negative—Mr. GREEN and Mr. R. H. BAKER.

For Tuesday, November 16th, 1858. President—Mr. PLASKITT.

219.—Is a mere nominal partner liable to a person contracting with the firm, who, at the time of the contract, did not know of such partner having allowed his name to appear in the firm? *Wagh v. Carver*, 2 H. Bl. 235, S. C. 1 Smith's L. C. 49. *Dickenson v. Valpy*, 10 B. & C. 123, 144. *Shott v. Streetfield*, 1 Moody and Rob. 9.

Affirmative—Mr. RAE and Mr. TEMPLE.

Negative—Mr. J. F. CRUMP and Mr. TAYLOR.

For Tuesday, November 23rd, 1858. President—Mr. WINCKWORTH.

LXXI.—Is the equalisation of the Poor's Rates desirable?

Mr. PLASKITT is appointed to open the debate, and Messrs. COWLAND, READE, and HANBUXT, to speak on the question.

For Tuesday, November 30th, 1858. President—Mr. COUSINS.

220.—Does Statute 4 & 5 William IV. c. 29, apply to rents payable by tenants from year to year, which have not been reserved by an instrument in writing? In re Markby, 4 My. and Cr. 484. *Kevill v. Davies*, 15 Sim. 461.

Affirmative—Mr. KIMBER and Mr. BARTLETT.

Negative—Mr. ALLEN and Mr. DAWSON.

Gentlemen are requested to send in questions for discussion.

*. Members requiring Books from the Library must apply for them at the Arbitration Room, by seven o'clock, on the evenings of Debate.

W. MELMOTH WALTERS, Secretary,
9, New-square, Lincoln's-inn.

GREAT CUMBERLAND-STREET, HYDE-PARK.

MESSRS. ABBOTT & WRIGLESWORTH will

SELL BY AUCTION, at the MART, opposite the Bank of England, on WEDNESDAY, NOVEMBER 24, 1858, at ONE O'CLOCK precisely, a very valuable LEASEHOLD ESTATE, with possession, comprising a spacious Family Residence, with excellent offices, No. 17, Great Cumberland-street, Hyde-park, with coach-house and stabling at the rear; hall on lease for an unexpired term of 44½ years from Michaelmas, 1858, at ground-rent of £3 10s. per annum; and let, at the low rent of £150 a year, on lease, which expires at Christmas next.

May be viewed, by permission of the tenant, and particulars and conditions of sale had, of Messrs. Parker, Rooke, & Parker, Solicitors, 17, Bedford-row; of Messrs. Clement, Solicitors, Alton, Hants; at the Mart; and of the Auctioneers, 26, Bedford-row, London, and Eynesbury, St. Neot's, Hunts.

FORE STREET, CRIPPLEGATE, CITY.

MESSRS. ABBOTT & WRIGLESWORTH will

SELL BY AUCTION, at the MART, opposite the Bank of England, on WEDNESDAY, NOVEMBER 24, 1858, at ONE O'CLOCK precisely, a valuable LEASEHOLD DWELLING HOUSE, SHOP and BUSINESS PREMISES, No. 29, Fore-street, Cripplegate, containing Four airy Bed-rooms, Drawing-room, commanding Shop and Shop Parlour, Kitchen, Washhouse, Offices, and good Cellars; held on Lease for an unexpired term of 47½ years from Michaelmas, 1858, at a Ground-rent of £2 12s. per annum, and renewable every fourteen years, on payment of a fine of £21, but subject to the lessor renewing the original lease from the corporation of London, under which these and other premises are held. Let on lease to Mr. Joseph Fisher, for a term of 21 years from Michaelmas, 1850, determinable at the end of the first 7 or 14 years, at £55 per annum.

May be viewed by permission of the Tenant, and Particulars and Conditions of Sale had on the Premises; of Messrs. Parker, Rooke, & Parker, Solicitors, 17, Bedford-row; at the Mart; and of the Auctioneers, 26, Bedford-row, and Eynesbury, St. Neot's, Hunts.

Advowson and Right of Presentation to the Rectory of Enville, in the County of Stafford, of the annual value of £1000.

MESSRS. BEADEL AND SONS are favoured with

Instructions to offer for SALE BY AUCTION, at the MART, BATHOLOMEW-LANE, LONDON, on TUESDAY, NOVEMBER 30, at TWELVE for ONE O'CLOCK, the ADVOWSON and RIGHT of PRESENTATION to the RECTORY of ENVILLE, in the county of STAFFORD, subject to the life of the present Incumbent, aged 58. There is a good Rectory House with Gardens and Glebe Lands, and the Tithe rent-charge is commuted at £900. The living is therefore fully worth £1000 per annum. The Village of Enville is about four miles from Stourbridge, and nine from Dudley, and contains a small population, entirely agricultural; the surrounding country is delightful, and the position of the Rectory most desirable in every respect.

Further particulars will shortly be ready, and may be procured of Messrs. Barker, Bowker, and Peake, Solicitors, 1, Gray's-inn-square; and of Messrs. Beadel and Sons, 25, Graham-street, London, E.C.

THE ESTATES GAZETTE.—A Paper devoted to

the Sale of Land; Houses, Advowsons, &c., by Public Auction or Private Contract, and Farms, &c., to let, throughout the Kingdom. Money to lend, &c. The attention of Solicitors, and all persons interested in the transfer or letting of Land, is particularly directed to this Paper, which contains the particulars of nearly every property in the market, also the result of London and country Public Sales. "The Estates Gazette" is issued on the 1st and 15th of each Month. Annual Subscription, 10s.; single number, 7d. (stamped). Advertisements received at the Office of the "Estates Gazette," 77, Fleet-street, London.

Legislation of the Year.

21 & 22 VICTORIA, 1857-8.—(Concluded.)

CAP. CL.—An Act to amend the Act of the Eighteenth and Nineteenth Years of her present Majesty, Chap. 63, relating to Friendly Societies.

In the year 1855, the whole law relating to friendly societies was reconsidered; and the result was the Act above referred to in the title of the Act under discussion, viz. the 18 & 19 Vict. c. 63. This Act repealed the whole of the previously existing enactments contained in a long series of statutes, commencing in the reign of George III., when these benevolent societies were first established, or at least recognised by Parliament. It appears probable, however, from the nature of the amendments now introduced, that the Consolidation Act of 1855 will soon itself be the basis only of another pile of statutes on this subject; which appears to present practical difficulties, incessantly calling for the interference of the Legislature. The Act itself is of a kind that it is impossible to understand its effect, without having that of 1855 also at hand;—the practice of introducing each amending clause by a short recital of that for which it is to be substituted, not having been in this instance adopted.

Before, however, giving such account of its provisions as is consistent with our limits, we may remark that its title furnishes evidence of the variety of workmen used in the laboratory of Parliament. The point itself we are about to mention is of trivial importance, but it affords fresh argument in favour of passing all Acts under the revision of a permanent and responsible board of examiners. It is because the services of a multiplicity of draftsmen are used, unconnected by any common link, that our statute book is deprived of the smart, artist-like, and consistent aspect which ought to characterise volumes which contain the written portion of national law. The slovenliness to which we refer will be perceived by comparing the titles of *cc. 95 & 108* with that of the Act under discussion. In those (passing over as a clerical error the substitution of *Victoria* for *Victorie*), the name of the sovereign is given, but not either the title or the subject of the Act amended. In the Act under discussion, the reign intended is left to be supplied *alunde*, while the subject matter of the amended Act is given. While on the subject of accuracy, we may also remark that the 2nd section of the Act under discussion commences thus—"The 10th section of the *said* Act shall be repealed," whereas *two* Acts are previously mentioned, and it is to the first of these that the repeal applies.

The Act under discussion contains alterations of the Act of 1855 on the following points:—1. By that Act a jurisdiction in carrying out certain of its provisions was given to the judge of the district county courts. The same jurisdiction is now given (so far as the city of London is concerned) to an analogous tribunal—viz. to the "judge of the Sheriff's Court" (s. 1). 2. In the Act of 1855 (s. 10), certain provisions were made to guard against the crime of murdering children for the sake of the sum payable by friendly societies, in respect of insurances effected on the lives of such children, for funeral expenses. The society was by that Act prohibited from payment of the sum assured, unless on the production of a copy of the death register, and, in certain cases, of a certificate of the cause of death from a medical practitioner. By the Act under discussion (s. 2), such certificate must be produced in *all* cases, instead of a copy of the entry of death. 3. Certain kinds of institutions and societies described in the 11th section of the Act of 1855, were thereby placed under some of the provisions only of that Act (viz. *ss. 17–22, 40–43*). These societies are, by the 3rd section of the Act under discussion, also placed under the 16th & 24th sections of the previous Act. 4. Any friendly society may now change its name with the approval of the registrar (s. 4). 5. In the Act of 1855, after providing for the final settlement of disputes between members (or those persons claiming under them), and the officers of the society by its own rules, there was a proviso that in certain cases disputes might be referred to the district county court. This proviso is now repealed, and the jurisdiction over such disputes is given instead to any two of the local justices of the peace, who are empowered to make such order thereon, as they shall see fit; and settlement by the rules of the societies, or by reference to magistrates, is, moreover, extended by the 6th section of the Act under discussion to disputes not considered to be referred to by the Act of 1855, viz. to those which may arise between the executors, administrators, nominees, or assigns of a member, and the officers of the society. We should ourselves have thought that such cases had been already sufficiently provided for by the words in the

Act of 1855 dealing with disputes between the society and any member, "or any person claiming through or under a member." 6. By the 7th section of the Act under discussion, it is provided that in proceedings against a society, the secretary or other officer holding office at the time when the plaint, or complaint is made may be made defendant. 7. Finally, in the Act of 1855, upon the dissolution of a society by agreement, it was required to state in such agreement how the assets were to be appropriated or divided. This question may now (by the 8th section of the Act under discussion) be referred by the agreement to the award of the Registrar of Friendly Societies, or to an actuary of five years standing. The same section contains provisions by which one-fourth in number of the members of a society may obtain the award of such registrar or actuary, with regard to the dissolution thereof as an insolvent society, and also with respect to the manner in which the assets shall be appropriated and divided; and this notwithstanding that the requirements contained in 18 & 19 Vict. c. 63, s. 13, as to the way in which societies may be dissolved—viz. at a meeting specially called for that purpose, and with the consent of five-sixths in value of the members—shall not have been complied with.

CAP. CVIII.—An Act to amend the Act of the 20th & 21st Vict. c. 85.

The account we gave in our last impression of the Probate Act of 1858 will materially lessen our task with regard to the Act under discussion, since many of the sections of both Acts are the same; for as that Act was one to amend the practice of the "Court of Probate," established in 1857 upon the ruins of the ecclesiastical testamentary jurisdiction, so the present statute is passed to amend the practice of the "Court for Divorce and Matrimonial Causes," established in the same year upon the ruins of the ecclesiastical matrimonial jurisdiction. And as the two Courts are presided over by the same judge and officers, and have, in fact, in many respects a common existence, some of the alterations in the Act establishing the one Court have had to be repeated in reference to the Act establishing the other. One difference, however, between the two amending Acts is singular. In the first Act (in accordance with the modern fashion), a short name is conferred by which that statute may be cited (viz. the Court of Probate Act, 1858), and the opportunity is taken to correct an omission in the Act of the preceding session, by naming it in the same way, "The Court of Probate Act, 1857." No analogous provision, however, is to be found in the Act under discussion; which, to be consistent, should have been named "The Court for Divorce and Matrimonial Causes Act, 1858."

In considering the provisions of the Act, we may therefore at once pass over several of the clauses as being the same as clauses appearing in the Court of Probate Act, 1858. Thus we meet at the commencement with a provision answering to one contained in the Probate Act, 1858, enabling the Judge Ordinary to sit in chambers; but it is noticeable that the Act now under discussion, in making these sittings and the business to be there transacted to depend upon the opinion of the Judge Ordinary, does not proceed with the qualification contained in the Probate Act: "Provided always, that no question shall be heard in chambers which either party shall require to be heard in open court." This is a distinction between the two statutes, which is clearly necessary in the interests of public decency and morality, on account of the peculiar nature of the questions which may come to be determined in the Court for Divorce and Matrimonial Causes.

The first group of clauses, which are intended to work an amendment in the Act of 1857, are *ss. 6–10*, which chiefly refer to orders for the protection of a wife's property, acquired after her having been deserted by her husband.

The first of these sections is intended to meet a difficulty which had arisen on the wording of 20 & 21 Vict. c. 85, s. 21, by which such orders are allowed to be made. The clause was so drawn as apparently to exclude wives resident in the City of London from the benefit of the Act, inasmuch as they neither reside in the metropolitan district nor in the country (see *Ex parte Aldridge*, 1 Swab. & Trist. 85). This has now been altered, by enacting that application may be made for such an order by any "wife deserted by her husband, wheresoever resident in England." It is curious that the emendatory phrase itself contains a fresh verbal ambiguity; for the grammatical construction of the above sentence would make the application depend upon the residence of the husband, not of the wife. The previous Act had not this defect.

Other improvements with regard to protection orders, and decrees for judicial separation, are made in the same group of clauses. Thus the omission in the Act of 1857, to declare that such orders and decrees are to extend to property

to which the wife becomes entitled as executrix, administratrix, or trustee, or in which, at the date of the order or decree, she shall have a reversionary interest only, is remedied (ss. 7, 8); such orders and decrees (until they are reversed or discharged) are now, moreover, expressly declared to be valid and effectual for the protection of those who deal with the protected wife, and even for the protection of those who act in reliance thereon, after reversal or discharge, unless they had notice thereof (s. 10).

Sec. 11 is intended to meet the well-known case of *Robinson v. Robinson & Lane* (27 L. J. P. & M., C. 91). There, it will be remembered, the Court held that in a suit for dissolution of marriage on the ground of the wife's adultery, in which the alleged adulterer was a co-respondent, 1st, that according to the law of evidence, such co-respondent, so long as he remained a party to the record, was not a competent witness; and 2nd (disa. Wightman, J.) that the Court had no power to dismiss him from the suit before its termination, for the purpose of rendering him a competent witness. The Act under discussion does not interfere with the above-mentioned rule of evidence, but it enlarges the power of the Court, so as to enable co-respondents or respondents to be dismissed from the suit, if there be no sufficient evidence offered against them at the close of the evidence on the part of the petitioner. In order, moreover, that no failure in justice should arise in the particular case above referred to (the further consideration of which had been adjourned, in anticipation of a rumoured interference by the Legislature) the provision is made to apply to all cases "now pending," as well as to those hereafter to be commenced.

The 13th section of the Act is one which peculiarly affects our readers, as it provides for the taxation of bills for fees, charges, or disbursements in respect of any business transacted in the court (whether before the full Court or the Judge Ordinary) by one of the registrars belonging to the principal registry of the Court of Probate. Such taxation is to be as well between proctor (or attorney or solicitor) and client, as between party and party; and it is intimated that the mode of reference, and the party by whom the costs of taxation shall be paid, is to be provided for by rules and orders to be hereafter issued for that purpose. It may be anticipated that the analogy of the statute 6 & 7 Vict. c. 73, will be closely followed.

Class 17 remedies a blot in the Act of 1857, which was hit by Mr. Macqueen in his treatise on that statute. He observes (p. 78) that though, by s. 56, an appeal is given to the House of Lords, where either party is dissatisfied with the decision of the full Court on any petition for the dissolution of marriage, "it does not appear that any appeal is given on a decree for nullity of marriage,"—suits for which are also to be heard and determined by the full Court. The appeal sections of the Act of 1857 are now, however, expressly extended to sentences on petitions for nullity of marriage.

The Act of 1857 contained no provision for *new trials*. But, by the 18th section of the Act under discussion, rules nisi for new trials may be granted by the Judge Ordinary, but can be made absolute only by the full Court. This subject, also, is left incomplete, and to be supplemented by rules hereafter to be issued.

In the Act of 1857, it will be remembered, there are contained clauses giving jurisdiction to judges of assize as well as the Court for Divorce and Matrimonial Causes, to entertain applications for restitution of conjugal rights or for judicial separation; and it was provided that the judge might refer such petition to any Queen's counsel or serjeant, joined with him in the commission of assize or nisi prius. It was, however, perceived, immediately after the passing of the Act, that these clauses were quite useless, and, indeed, unworkable. By the 19th section of the Act under discussion they are accordingly altogether repealed.

The remainder of the statute, and some of the intermediate sections, of which we have not specifically spoken, are repeated, *mutatis mutandis* (as above explained), from the Probate Act of 1858.

CAP. CX.—An Act to extend the Act of the 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment.

The mode of filling up such vacancies in the representation as occur by death or otherwise during the existence of a Parliament, differs from that of calling the Parliament itself into being, inasmuch as vacancies in the House of Commons are supplied by the act of the House itself through the medium of their Speaker, and not by the act of the Crown through the Chancellor. Where a vacancy occurs during the sitting of the House, the Speaker receives immediate directions to issue his warrant for the election writ; but should the vacancy happen

during any adjournment or prorogation, then the course of proceeding has hitherto varied according to the circumstances which have caused the vacancy. If it has arisen by the death of a member, or by his elevation to the peerage, then, since the 24 Geo. 3, sess. 2, c. 26 (see also 52 Geo. 3, c. 144, 53 Geo. 3, c. 89, and resolution of the House, March 18, 1800), the Speaker has had authority to issue his writ without waiting for any special order. On the other hand, if the vacancy happened by a member's having accepted some office inconsistent with his holding his seat, the issue of the election writ has hitherto been delayed till the sanction of the House has been obtained on their next sitting; a practice which has been found to cause an inconvenient and unnecessary delay in filling up such vacancies. Accordingly, by the Act under discussion, the Speaker is henceforward authorised in such cases to issue the new election writ so soon as the member who shall have accepted such office has been gazetted thereto—provided a certificate of the acceptance of office vacating the seat, and of the member having been gazetted is sent to the Speaker under the hands of two members of the House of Commons. The Act, however, contains provisions by which, in case of doubt whether the office accepted has or has not vacated the seat, the Speaker may delay issuing his warrant till the House has decided the question; and by which it is declared, that the statute (which may be cited as the Election of Members during Recess Act, 1858) is not to apply to the case of members who accept the office of Steward of the Chiltern Hundreds, or other office similarly used as a mode of voluntarily retiring from Parliament.

Probate Court.

FURTHER RULES AND ORDERS

MADE UNDER THE PROVISIONS OF 30 & 31 VICT. C. 77, AND 21 & 22 VICT. C. 95.

In Non-Contentious Business.

Affidavits.

1. In every case where an affidavit is required from a subscribing witness to a will or codicil, such subscribing witness shall in such affidavit depose as to the mode in which the said will or codicil was executed and attested.

2. The draft catha to lead grants of special or limited Probate or Administration, with or without the will annexed, are to be transmitted by the District Registrar to the Registrars of the Principal Registry, in order to their being settled, and no such special or limited grant is to issue until the draft catha to lead the same has been settled by a Registrar of the Principal Registry.

3. No affidavit will be admitted in any matter depending in the Court of Probate of which any material part is written on an erasure.

Administration Bonds.

4. Administration Bonds are to be attested by an officer of the Principal Registry, by a District Registrar, or by a Commissioner or other person now or hereafter to be authorised to administer oaths under 20 & 21 Vict. c. 77, and 21 & 22 Vict. c. 95, but in no case are they to be attested by the proctor, solicitor, attorney, or agent of the party who executes them. The signature of the administrator or administratrix to such Bonds, if not taken in the Principal Registry, must be attested by the same person who administers the oath to such administrator or administratrix.

5. In all cases of limited or special administration two sureties are to be required to the administration bond, and the bond is to be given in double the amount of the property to be placed in the possession of or dealt with by the administrator by means of the grant. The alleged value of such property is to be verified by affidavit if required.

Citations.

6. The Registrars of the Principal Registry may, when it appears to them desirable, dispense with the insertion of citations and other instruments in full in the London Gazette and other public journals, in accordance with any Rules and Orders made under the provisions of 20 & 21 Vict. c. 77, and 21 & 22 Vict. c. 95, and may direct that an abstract only of such citations and other instruments shall be published in the said Gazette and in the said other public journals. Such abstracts are to be published in a form to be settled by the Registrars, and so often and at such intervals as the Judge or the Registrars may direct.

7. In cases of persons dying intestate without any known relation, in addition to the notice to be given to Her Majesty's Procurator-General or to the Solicitor for the Duchy of Lancaster in London, under Rule 62 of the Rules, Orders, and Instructions to the Registrars of the Principal Registry, or Rule 81 of the Rules, Orders, and Instructions for the District Registrars, advertisements for the next of kin of the intestate are to be inserted in such of the leading morning and evening London newspapers, and such local newspapers, and so often, and at such intervals, as the Judge or the Registrars of the Principal Registry may direct.

8. Rule 58 of the Rules, Orders, and Instructions for the Registrars of the Principal Registry shall apply to all citations.

Office Copies.

9. Office copies of wills and other documents furnished in the Principal or District Registries will not be collated with the original will or other document from which the same are copied unless specially required. Every copy so required to be examined shall be certified under the hand of one of the Principal Registrars or of a District Registrar to be an Examined Copy.

Caveats.

10. When a caveat has been entered, and subsequently warned, and such warning results in the commencement of contentious proceedings, the expenses of the entry of such caveat and the warning thereof shall, upon taxation, be considered as costs in the cause.

11. When a caveat has been entered in the Principal Registry, and notice thereof has been given to a District Registrar, he shall not proceed with the grant of Probate or Administration to which it relates until he receives notice from the Principal Registry that the caveat has been withdrawn, or that the proceedings consequent thereon have terminated, and a final decree has been made therein.

12. The warning to a caveat is to state the name and interest of the party on whose behalf the same is issued, and if such person claims under a will or codicil, is also to state the date of such will or codicil. A form is annexed hereto which is to be followed so far as the circumstances of each case will allow.

13. Upon the issuing of a citation under seal of the Court a caveat shall be entered in the court books against any grant being made in respect of the estate and effects of the deceased to which such citation relates, and notice thereof shall be sent to the Registrar of any district in which the deceased appears to have resided at the time of his death, and such caveat shall remain in force until the proceedings following on such citation are terminated.

Revocation of Grants.

14. No Grant of Probate or Letters of Administration is to be revoked by a District Registrar even with consent of parties interested. All applications for such revocation of grants are to be made to the Principal Registry.

In Contentious Business.

15. If contentious proceedings arise from the service of a citation, the expense of the citation and service thereof shall, upon taxation, be considered as costs in the cause.

16. The entry of every appearance to a citation or to a warning to a caveat shall hereafter be made in the Principal Registry.

17. The words "or of a Registrar of the Principal Registry" are to be added at the end of Rule 74, of the Rules, Orders, and Instructions heretofore issued for the District Registrars.

18. No cause is to be called on for hearing or trial until after the expiration of ten days from the day when the same has been set down as ready for hearing or trial, and notice thereof has been given, save with consent of all parties to the suit.

19. In Testamentary causes the Plaintiff and Defendant, within eight days of the entry of an appearance on the part of the Defendant, are respectively to file their affidavits as to scripts.

20. No party to the cause, nor his or her proctor, solicitor, or attorney, shall be at liberty, except by leave of the Judge, or of one of the Registrars of the Principal Registry, to inspect the affidavits as to scripts, or the scripts or exhibits annexed thereto filed by any other party to the cause, until his own affidavit as to scripts shall have been filed.

21. The Plaintiff shall not be compelled to deliver his declaration to the Defendant, or to file a copy thereof, until the expiration of eight days after the Defendant has filed his affidavit as to scripts.

22. In all causes relating to grants of probate or letters of

administration, it shall be competent to the Defendant, on the day upon which an appearance is entered by him or on his behalf, or on the day upon which he receives from the Plaintiff the declaration in the cause or within three days thereafter, to notify to the Plaintiff in writing the object for which he has so entered his appearance, and in such notice to set forth that he admits the validity of the will; or the intestacy of the deceased, and the relationship claimed by the Plaintiff to the deceased; and demand to be heard on petition in respect of some other matter to be therein stated. The Plaintiff shall, upon receiving such written notice, unless otherwise ordered by the Judge, within eight days, file his act on petition. In case he shall fail to do so, the Defendant shall be at liberty to file his act on petition, and the cause shall be heard by affidavit, unless the Judge shall direct otherwise.

23. In order to prevent the time limited for bringing in declarations, pleas, and other pleadings and proceedings from expiring before application can be made to the Judge for an extension thereof, any one of the Registrars of the Principal Registry may, upon reasonable cause being shown, extend the time for bringing in such declaration, plea, or other pleading or proceeding, provided that such time shall in no case be extended beyond the day upon which the Judge shall next sit in open Court or in Chambers.

24. A receiver of real estate pending suit is to give bond in the form annexed to these Rules and Orders, or in a form as near thereto as the circumstances of the case will admit of, with two sureties, and in a penalty of such an amount as may be directed by the Judge.

Taxing Bills of Costs.

25. When an appointment has been made by a Registrar of the Principal Registry for taxing any bill of costs, and one party only attends at the time appointed, the Registrar may nevertheless proceed to tax the bill after the expiration of a quarter of an hour, upon being satisfied by affidavit that the other party had due notice of the time appointed.

26. If more than one-sixth is deducted from any bill of costs taxed as between party and party, or as between practitioner and client, no costs incurred in the taxation thereof shall be allowed as part of such bill.

RULES AS TO SUMMONSES.

1. A summons may be taken out by any person in any matter, whether contentious or non-contentious.

2. A printed form must be obtained and filled up with the object of the summons, and a half-crown stamp affixed. It must then be taken to the Clerk of the Papers, who will fill the blank left in the printed form for the time when the summons is to be made returnable, and get the summons signed by a Registrar.

3. The Clerk of the Papers is then to enter the name of the cause or matter and of the agent taking out the summons in a book to be called the Summons Book, and return the summons (with the stamp obliterated), signed, to the applicant, who is to serve a copy on the opposite party. This copy (except in cases where the consent of the party to be served has been obtained and indorsed on the summons) must be served on the opposite party one clear day at least before the summons is returnable, and before 7 p.m. On Saturdays the copy of the summons is to be served before 2 p.m.

4. On the day and at the hour named in the summons the party issuing the same is to present himself with the original at the Judge's Chambers.

5. Both parties will be heard by the Judge, who will make such order as he may think fit, and a note of such order will be made by the Registrar in the Summons Book.

6. If the party summoned do not appear after the lapse of half an hour from the time named in the summons, the other party shall be at liberty to go before the Judge, who will thereupon make such order as he may think fit.

7. An attendance on behalf of the party summoned for the space of half-an-hour, if the other party do not during such time appear, will be deemed sufficient, and bar the party taking out the summons from the right to go before the Judge on that occasion.

8. If a formal order is desired, the same may be had on the application of either party; and for that purpose the original summons, or the copy served on the opposite party, must be filed in the registry. An order will thereupon be drawn up, and delivered to the person filing such summons or copy. The Clerk of the Papers, before giving out the order, is to see that a half-crown stamp has been affixed to it, and is to obliterate such stamp.

9. If a summons is brought to the Clerk of the Papers, with

a consent, signed by the party summoned, or his proctor, solicitor, or attorney, indorsed thereon, an order will be drawn up without the necessity of going before the Judge: Provided that the order sought is, in the opinion of the Registrar, one which the Judge, under the circumstances, would make.

FORM OF WARNING TO A CAVEAT.

In Her Majesty's Court of Probate.

The Principal Registry

or

The District Registry at —.

To A.B. of — [or to C.D. of —, Proctor, Solicitor, or Attorney of parties having interest].

You are hereby warned within six days after the service of this warning upon you, inclusive of the day of such service (but exclusive of Sunday) to enter an appearance, or cause an appearance to be entered for you, in the Principal Registry of the said Court of Probate, to the caveat in the personal estate and effects of E.F., late of —, deceased, who died at —, on or about the — day of —, 18—, and to set forth your [or your client's] interest: And take notice that in default of your so doing the said Court will proceed to do all such acts, matters, and things as shall be needful and necessary to be done in and about the premises.

(Signed) X.Y., Registrar,

or
District Registrar.

Issued at the instance of R.S. of —,
the [here set forth what interest R.S.
has, and if under a Will or Codicil
set forth the date thereof.]

FORM OF BOND TO BE EXECUTED BY A RECEIVER OF REAL ESTATE PENDING SUIT.

Know all men by these presents, that we, A. B. of &c., C. D. of &c., and E. F. of &c., are jointly and severally bound unto the Right Honourable Sir Cresswell Cresswell, Knight, the Judge of Her Majesty's Court of Probate, in the sum of — pounds, of good and lawful money of Great Britain, to be paid to the said Right Honourable Sir Cresswell Cresswell, or to the Judge of the said Court for the time being, for which payment well and truly to be made we bind ourselves and every of us for the whole, our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the — day of — in the year of our Lord one thousand eight hundred and fifty —.

Whereas G. H., late of &c., died on the — day of —, 18—, having, as asserted, made and duly executed {his / her} last

will and testament, with — codicil thereto, bearing date respectively the [here insert dates of the testamentary papers]. And whereas there is now pending in judgment in Her Majesty's Court of Probate a certain cause or suit instituted by I. J. as one of the executors named in the said will, against K. L. the natural and lawful — and only next of kin of the said deceased, touching and concerning the validity of the said will and codicil, in which said cause or suit M. N., as the heir-at-law of the said G. H., has been cited to see proceedings, and has entered an appearance, and become a party to the said cause or suit. And whereas the Right Honourable Sir Cresswell Cresswell, the Judge aforesaid, did, on the — day of —, 185—, after hearing counsel for and on behalf of all parties to the said cause or suit, appoint the above-bounden A. B. as and to be receiver of the real estate of the said G. H. pending the said cause or suit.

Now the condition of this obligation is such, that if the above-bounden A. B., the receiver of the real estate of the said G. H. pending the aforesaid cause or suit, do, when lawfully called on in that behalf, make a true and perfect inventory of all the rents, issues, and profits of the said real estate which have or shall come to his hands, possession, or knowledge, or into the hands, possession, or knowledge of any other person for him, and the same so made do exhibit, or cause to be exhibited, into the Principal Registry of Her Majesty's Court of Probate, whenever required by law so to do, and the same rents, issues, and profits do well and truly pay and appropriate according to law; that is to say, in payment and satisfaction of all charges and expenses which are or may be or become legally charged upon and payable out of the said rents, issues, and profits, and in the letting and managing the said real estate, and in performing other the duties committed to him by the Judge aforesaid; and further, do make or cause to be made a true and just account of his administration of the said rents, issues, and profits, whenever required by law so to do, and all the rest and residue of the said rents, issues, and profits do deliver and pay unto such person or persons as shall be entitled thereto, subject to and under the direction of the said Court, then this obligation to be void and of none effect, or else to remain in full force and virtue.

Signed, sealed, and delivered by the within-named —
in the presence of P. Q. a Clerk in the Principal Registry,
or a Commissioner or Surrogate authorised to administer
Oaths in the Court of Probate.

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THE

PUBLIC GENERAL STATUTES

21 & 22 VICTORIÆ

THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.

21 & 22 VICTORIÆ, 1857-8.

LONDON:

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21 & 22 VICTORIE.

[THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.]

CAP. I.

An Act to indemnify the Governor and Company of the Bank of England in respect of certain issues of their Notes; and to confirm such Issues, and to authorise further Issues for a Time to be limited. [12th December, 1857.]

WHEREAS by the Act of the 7th & 8th Vict. c. 32, "To regulate the issue of Bank Notes, and for giving to the Governor and Company of the Bank of England certain Privileges for a limited Period," the Governor and Company of the Bank of England are prohibited from issuing Bank of England notes either into the banking department of the Bank of England, or to any persons or person whatsoever, save in exchange for other Bank of England notes, or for gold coin, or for gold or silver bullion received or purchased for the issue department of the said Bank under the provisions of that Act, or in exchange for securities acquired and taken in the said issue department under the provisions therein contained; And whereas under the said Act and an Order in Council issued under the provisions thereof the amount of securities to be acquired and taken in the said issue department stands limited not to exceed the sum of fourteen million four hundred and seventy-five thousand pounds: And whereas by a letter dated the 12th day of November last the First Lord of the Treasury and the Chancellor of the Exchequer informed the Governor and Deputy Governor of the Bank of England that her Majesty's Government had observed with great concern the serious consequences which had ensued from the recent failure of certain joint stock banks in England and Scotland, as well as of certain large mercantile firms chiefly connected with the American trade; that the discredit and distrust which had resulted from these events, and the withdrawal of a large amount of the paper circulation authorised by the existing Bank Acts, appeared to her Majesty's Government to render it necessary for them to inform the Bank of England that if they should be unable in the present emergency to meet the demands for discounts and advances upon approved securities without exceeding the limits of their circulation prescribed by the Act of 1844, the Government would be prepared to propose to Parliament upon its meeting a Bill of indemnity for any excess so issued; and that, in order to prevent that temporary relaxation of the law being extended beyond the actual necessities of the occasion, her Majesty's Government were of opinion that the bank terms of discount should not be reduced below their then present rate: And whereas the Governor and Company of the Bank of England have since the said 12th day of November, 1857, issued Bank of England notes in exchange for securities acquired and taken in the said issue department beyond the amount limited by law, and it is expedient that the Acts of the said Governor and Company in relation to the matters aforesaid should be confirmed, and that the restriction on the amount of the securities to be acquired and taken in the said issue department should be suspended for a limited time: Be it therefore enacted, &c., as follows:—

1. *Issues of Bank of England Notes since 12th Nov. 1857, in Excess of those authorised by Law, confirmed and made valid.* All such issues of Bank of England notes as may have been made by the said Governor and Company, or by their order or direction, since the said 12th day of November, 1857, although beyond the amount authorised by law, and all acts necessary for the making of such issues, and for the acquiring and taking since the 12th day of November, 1857, securities in the issue department of the Bank of England beyond the amount

authorised by law, shall be confirmed and made valid; and the said Governor and Company, and all persons who have been concerned in such issues, or in doing or advising any such acts as aforesaid, are hereby indemnified and discharged in respect thereof, and all indictments and informations, actions, suits, prosecutions, and proceedings whatsoever commenced or to be commenced against the said Governor and Company, or any person, or persons in relation to the acts and matters aforesaid, or any of them, are hereby discharged and made void.

2. *The Restriction on the Amount of Securities to be taken in the Issue Department suspended.* So much of the said Act of the 7th & 8th Vict. as limits the amount of the securities to be acquired and taken in the issue department of the Bank of England shall be and be deemed to have been suspended as from the 12th day of November, 1857, and shall continue suspended until the expiration of twenty-eight days after the first meeting or sitting of Parliament in the year 1858, subject to the proviso hereinafter contained, and during such suspension the provisions of the said Act in relation to the issue of Bank of England notes shall be construed and take effect as if the restriction on the amount of securities in the said issue department, and the prohibition of the increase of such amount and of the issue of additional Bank of England notes thereon, had not been contained in the said Act: Provided always, that if before the expiration of the time hereinbefore limited the Governor and Company of the Bank of England give public notice that they have reduced the minimum rate of interest required by them below the rate of 10 per cent. per ann. the said suspension shall cease.

3. *The Issues in excess to be reduced on or before the Expiration of the Suspension.* Upon or before the expiration or ceasing of the suspension aforesaid the excess of issues hereinbefore confirmed shall be reduced to the amount which would have been authorised by law if this Act had not been passed; and, subject to the indemnity and discharge hereby given, all the provisions of the said recited Act shall, after such expiration or ceasing, be and remain in full force.

CAP. II.

An Act to settle Annuities on Lady Havelock and Sir Henry Marshman Havelock, in consideration of the eminent Services of the late Major-General Havelock. [22nd March, 1858.]

CAP. III.

An Act for enabling the East India Company to raise Money in the United Kingdom for the Service of the Government of India. [22nd March, 1858.]

WHEREAS in consequence of the disturbances in India it is expedient that the East India Company should be enabled to raise money in the United Kingdom on the credit of the revenues of India: Be it therefore enacted, &c., as follows:—

1. *Power to East India Company to raise any Sum not exceeding Eight Millions.* It shall be lawful for the Court of Directors of the East India Company, under the direction and control of the Board of Commissioners for the Affairs of India, at any time or times before the 30th April, 1859, or if Parliament be then sitting before the end of the then session of Parliament, to raise in the United Kingdom for the service of the Government of India any sum or sums of money not exceeding in the whole eight millions, as hereinafter provided.

2. *Money may be raised on Bonds of the Company.* It shall be lawful for the said Court of Directors, under such direction

and control as aforesaid, from time to time to borrow upon bonds, to be issued under the common seal of the said company, all or any part of the money hereby authorised to be raised as aforesaid, such bonds to be for such respective amounts payable after such notice and at such rate or rates of interest as the said Court of Directors, under such direction and control, may think fit.

3. *When Money not borrowed on Bond Debentures may be issued by the Company.* For raising all or any part of the money by this Act, authorised to be raised which may not be borrowed on bond as aforesaid, it shall be lawful for the said Court of Directors, under such direction and control as aforesaid, to issue from time to time debentures, under the common seal of the said Company, for such respective amounts and at such rate or rates of interest as the said Court of Directors, under such direction and control as aforesaid, think fit, such debentures to be issued at or for such prices and on such terms as may be determined by the said Court of Directors under such direction and control as aforesaid.

4. *As to Payment of Principal and Interest on Debentures.* All debentures issued under the authority of this Act shall be paid off at par at a time or times to be mentioned in such debentures respectively, and the interest on all such debentures shall be payable half-yearly on such days as shall be mentioned therein, and the principal moneys and interest secured by such debentures shall be payable at the treasury of the said company in London.

5. *Debentures transferable by Delivery.* All debentures issued under the authority of this Act, and all right to and in respect of the principal moneys secured thereby, and all interest due and accruing thereon, shall be transferable by the delivery of such debentures respectively.

6. *The whole Amount secured by Bonds, &c., not to exceed Eight Millions.* The whole amount of principal moneys to be secured by bonds or debentures, or by bonds and debentures, to be issued under this Act, shall not exceed eight millions; and no money shall be raised or secured under the authority of this Act, after the said 30th April, 1859, or if Parliament be then sitting after the end of the then session of Parliament, save for or upon the repayment of principal moneys previously secured under this Act as hereinafter provided.

7. *Power to raise Money for Repayment of Principal Moneys.* Upon or for the repayment of the principal money secured under the authority of this Act, or any part of such money, the Court of Directors may, at any time, under such direction and control as aforesaid, borrow or raise by bonds or debentures as aforesaid all or any part of the amount of principal money repaid or to be repaid, and so from time to time as all or any part of any principal money for the time being secured under this Act may require to be repaid; but the amount to be secured by new securities shall not in any case exceed the principal money required to be repaid.

8. *Securities to be charged on Revenues of India.* All bonds and debentures to be issued under this Act, and the principal moneys and interest thereby secured, shall be charged on and payable out of the revenues of the territories under the Government of the said company, in like manner as other liabilities incurred on account of the government of the said territories.

9. *Provision as to Composition for Stamp Duties on India Bonds extended to Bonds and Debentures under this Act.* The provisions contained in sect. 4 of the Act of the 5th & 6th Will. 4, c. 64, with respect to the composition and agreement for the payment by the said company of an annual sum in lieu of stamp duties on their bonds, and the exemption of their bonds from stamp duties, shall be applicable with respect to the bonds and debentures to be issued under the authority of this Act, as if such provisions were here repeated and re-enacted with reference thereto.

10. *Forgery of Debentures to be punishable as Forgery of East India Bonds.* All provisions now in force in anywise relating to the offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East India Bond, with intent to defraud, shall extend and be applicable to and in respect of any debenture issued under the common seal of the said company under the authority of this Act, as well as to and in respect of any bond issued under the seal of the said company under such authority.

11. *Returns to be annually prepared of Moneys raised on Loan, &c., and presented to Parliament.* Provided always, that, on or before the 1st February in each year, the Court of Directors

of the East India Company, under such direction and control as aforesaid, shall prepare or cause to be prepared a return of all moneys raised on loan under the provisions of this Act; also, a return of all stocks, loans, debts, and liabilities then chargeable on the East India revenues at home and abroad, up to the latest period of time to which such return can be made out; that all such returns shall be presented to both Houses of Parliament on or before the 1st February in each year, if Parliament is then sitting, and if Parliament is not sitting, then such returns shall be presented within ten days of the first meeting of Parliament after the 1st February in each year.

12. *Existing Powers of the Company not prejudiced.* This Act shall not prejudice or affect any power of raising or borrowing money vested in the said company at the time of the passing thereof.

CAP. IV.

An Act to continue an Act of the last Session to authorise the embodying of the Militia. [25th March, 1858.]

CAP. V.

An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-eight. [26th March, 1858.]

CAP. VI.

An Act to apply the Sum of Five hundred thousand Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-eight. [26th March, 1858.]

CAP. VII.

An Act for the Regulation of her Majesty's Royal Marine Forces while on shore. [26th March, 1858.]

CAP. VIII.

An Act to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales. [26th March, 1858.]

CAP. IX.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [26th March, 1858.]

CAP. X.

An Act to confirm a certain Provisional Order of the General Board of Health, applying the Public Health Act, 1842, to the District of Skipton, in the West Riding of the County of York; and to further declare the Limits of the District of Toxteth Park, in the County Palatine of Lancaster, for the Purposes of the said Act. [11th May, 1858.]

CAP. XI.

An Act to repeal the Stamp Duties payable on Matriculation and Degrees in the University of Cambridge. [11th May, 1858.]

WHEREAS by an Act of the 19th & 20th Vict. (c. 88), "To make further provision for the good government and extension of the University of Cambridge, of the colleges therein, and of the college of King Henry the Sixth at Eton," it was enacted, that the stamp duties then payable on matriculations and degrees should be abolished so soon as provision should have been made by the university, to the satisfaction of the Commissioners of her Majesty's Treasury, in lieu of the moneys theretofore voted annually by Parliament: and whereas by a grace or statute of the said university, passed by the senate in congregation on the 10th December, 1857, provision has been made for the payment out of the university chest of the salaries and allowances to certain professors of the said university, mentioned in the schedule to this Act (being the same salaries and allowances as were heretofore annually voted by Parliament to the said professors), and the Commissioners of her Majesty's Treasury are satisfied that such statute is a due provision in lieu of the moneys theretofore voted annually by Parliament, as intended by the said Act: Be it enacted, &c., as follows:—

1. *Stamp Duties on Admission or Matriculation and on Admission to Degrees in Cambridge repealed.* All stamp duties payable under the Act of the 55th Geo. 3, c. 184, or under any other Act of Parliament, on the admission or matriculation of any person in the said University of Cambridge, and on the admission of any person to any degree in the said university (whether conferred in the ordinary course of the university or otherwise), or for the registry or entry of any such admission, shall, from and after the 1st April next, cease to be payable.

2. *Salaries payable to Professors in Schedule not discontinued without Consent of Treasury.* No salary or allowance payable under the said grace or statute of the said university to any professor mentioned in the schedule to this Act shall be dis-

continued or reduced without the consent of the Commissioners of her Majesty's Treasury.

SCHEDULE.

To the Professor of Modern History	£371
To the Professor of Civil Law	100
To the Professor of Chemistry	100
To the Professor of Anatomy	100
To the Professor of Botany	182
To the Jacksonian Professor	100
To the Professor of Mineralogy	100

CAP. XII.

An Act for the Alteration of certain Duties of Customs.

[11th May, 1858.]

CAP. XIII.

An Act for raising the Sum of Twenty million nine hundred and eleven thousand five hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-eight.

[11th May, 1858.]

CAP. XIV.

An Act for raising the Sum of Two Millions by Exchequer Bonds.

[11th May, 1858.]

CAP. XV.

An Act for granting certain additional Rates and Duties of Excise.

[11th May, 1858.]

CAP. XVI.

An Act for the further Amendment of the Duties of Customs.

[11th May, 1858.]

CAP. XVII.

An Act to apply the Sum of Eleven Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-eight.

[21st May, 1858.]

CAP. XVIII.

An Act to effect an Exchange between the Commissioners of Chelsea Hospital and the Governor and Company of Chelsea Waterworks of Lands in the Parishes of Saint George, Hanover-square, and Saint Margaret, Westminster, in the County of Middlesex.

[21st May, 1858.]

CAP. XIX.

An Act to continue an Act of the Third and Fourth Years of her Majesty, Chapter One hundred and ten, to amend the Laws relating to Loan Societies.

[21st May, 1858.]

WHEREAS an Act was passed in the 3rd & 4th Vict. c. 110, "To amend the Laws relating to Loan Societies," which Act was limited to continue until the 31st August, 1841, but has been continued by several Acts, and lastly by an Act of the last session of Parliament, c. 41, until the 1st August, 1858; and whereas in the said Act of the last session of Parliament are contained enactments which are to take effect after the termination of the period thereby limited for the continuance of the said Act of the 3rd & 4th of Vict.; and whereas it is expedient that the said Act of the 3rd & 4th Vict. should be further continued: Be it therefore enacted, &c., as follows:—

1. 3 & 4 Vict. c. 110, further continued.] The said Act of the 3rd & 4th Vict. shall continue in force until the 1st August, 1863; and the provisions of the said Act of the last session of Parliament, which were to take effect after the termination of the period thereby limited for the continuance of the first-mentioned Act, shall take effect whenever the said first-mentioned Act may expire, and not otherwise.

CAP. XX.

An Act for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money.

[21st May, 1858.]

1. After 24th May, 1858, certain Drafts to be chargeable with a Stamp Duty of 1d.] From and after the 24th May, 1858, all drafts or orders for the payment of any sum of money to the bearer on demand, which being drawn upon any banker, or any person or persons acting as a banker, and residing or transacting the business of a banker, within 15 miles of the place where such drafts or orders are issued, are now exempt from stamp duty, shall be chargeable with the stamp duty of 1d. for every such draft or order.

2. The Duty to be under the Care of the Commissioners of Inland Revenue. Powers and Provisions of former Acts to apply to this Act.] The duty by this Act granted shall be under the care and management of the Commissioners of Inland Revenue for the time being; and all the powers, provisions, and regulations, pains and penalties, contained in or imposed by any Act or Acts relating to any duties of the same kind or description payable in Great Britain and Ireland respectively, and in force at the time of the passing of this Act, shall respectively be in full force and

effect with respect to the duty by this Act granted, and to the paper and instruments chargeable therewith, so far as the same are or shall be applicable, and shall be observed, applied, enforced, and put in execution for and in the collecting and securing of the said duty hereby granted, and otherwise in relation thereto, so far as the same shall be consistent with the express provisions of this Act, as fully and effectually to all intents and purposes as if the same had been herein repeated and specially enacted with reference to the said duty by this Act granted.

CAP. XXI.

An Act to confirm a Contract for the Sale by the Commissioners of her Majesty's Works of certain Lands to the Commissioners of Chelsea Hospital.

[14th June, 1858.]

CAP. XXII.

An Act to abolish Franchise Prisons.

[14th June, 1858.]

WHEREAS it is expedient that the several prisons mentioned in the schedule to this Act, which are now used for the confinement of debtors, should be abolished: Be it therefore enacted, &c., as follows:—

1. After Aug. 1, 1858, no Persons to be confined in the Prisons named in Schedule to this Act.] From and after the 1st August, 1858, no person shall be confined in any prison or gaol mentioned in the schedule to this Act; and all persons who, if this Act had not been passed, might have been confined in any such prison or gaol, shall be confined in the common gaol of the county or riding in which such persons respectively may be arrested.

2. All Writs, &c., authorising Arrests to be executed by Bailiffs of Liberties, &c.] Provided always, that all writs, process, warrants, and authorities authorising the arrest of any person within any liberty or franchise to which any of the prisons and gaols mentioned in the schedule to this Act belongs, who might, if this Act had not been passed, have been confined in such prison or gaol, shall be executed within such liberty or franchise by such bailiff or officer as might have executed the same if this Act had not been passed, and such bailiff or officer shall have all such powers and authorities for conveying such person to the common gaol of the county as the bailiffs of the sheriff have in the execution of writs, process, warrants, or authorities for the like purposes, and the like punishments and penalties shall attach in the case of an escape or rescue from the bailiff or officer of such liberty or franchise, or other interference with such bailiff or officer in the discharge of his duty, as in the case of an escape or rescue from or like interference with the bailiff of the sheriff.

3. Prisoners confined on Aug. 1st, 1858, in Prisons named in Schedule, to be removed to County Gaol.] Every person who on the said 1st August may be confined in any of the prisons or gaols mentioned in the schedule to this Act shall, as soon as conveniently may be thereafter, without writ of habeas corpus or other writ for that purpose, be removed by the gaoler or keeper of such prison or gaol to the common gaol of the county or riding in which he may have been arrested under the writ or other process for his arrest and imprisonment, and shall be by such gaoler or keeper delivered into the custody of the gaoler or keeper of such common gaol, together with the writ or other process by virtue of which such person was arrested and imprisoned, and all writs or other process lodged with such first-mentioned gaoler or keeper by virtue of which such person was or might be detained in the prison or gaol from which he is so removed; and the gaoler or keeper of the said common gaol shall give a receipt in writing for every person so removed to such common gaol; and the reasonable expenses of such removal shall be paid by the treasurer of the county or riding to the common gaol of which such persons are so removed; and all persons who may be lawfully confined in any of the prisons or gaols mentioned in the said schedule on the said 1st August shall, until removed as aforesaid, and for and during the time of such removal, be to all intents and purposes deemed and considered to be in the proper legal custody, unless and until they respectively be sooner discharged in due course of law; and all persons so removed shall, after being delivered into the custody of the gaoler or keeper of the common gaol of such county or riding as aforesaid, be deemed to be in the legal custody of the sheriff and of such gaoler or keeper, in like manner as if all such persons had been originally arrested in parts of such county or riding (not within any liberty or franchise), and not been originally imprisoned in such common gaol.

SCHEDULE.

Swansea Debtors Prison for the Liberty of Gower.
Newark Liberty Prison for Debtors.

Hallam Home Gaol for the Manor of Wakefield.
Gaol for the Forest and Forest Liberty of Knaresborough, belonging to the
Duchy of Lancaster.
Gaol for the Borough and Township of Knaresborough, belonging to the
Duchy of Lancaster.
Sheffield Debtors Gaol for the Liberty of Hallamshire.
Husham Debtors Prison.

CAP. XXIII.

An Act for abolishing the Tolls now levied on the Bridge over the
Shannon at Portunna in Ireland. [14th June, 1858.]

CAP. XXIV.

An Act to reduce the Stamp Duty on Passports. [14th June, 1858.]

CAP. XXV.

An Act to amend the Act concerning Non-parochial Registers, and
the Acts for Marriages, and for registering Births, Deaths, and
Marriages, in England, and concerning Vaccination.
[14th June, 1858.]

WHEREAS by an Act of the 3rd & 4th Vict. c. 92, "For enabling
Courts of Justice to admit Non-parochial Registers as Evidence
of Births or Baptisms, Deaths or Burials, and Marriages," pro-
visions were made for the deposit in the General Register Office
of certain non-parochial registers, and for making the same
receivable in evidence, and other provisions were thereby made
in relation to such registers; and whereas by commission under
the Great Seal, bearing date the 1st January in the 20th Vict.,
certain persons were appointed commissioners to inquire into the
state, custody, and authenticity of any registers or records of
births or baptisms, deaths or burials, and marriages lawfully
solemnized, kept in England or Wales, other than the parochial
registers, and the copies thereof deposited with the diocesan
registers, and which had not been inquired into and examined
by certain former commissioners; and also for inquiring whether
any and what measures could be beneficially adopted for
collecting and arranging all or any of such registers or records,
and for depositing the same, or copies thereof, in the office of the
Registrar-General of births, deaths, and marriages in England,
or for otherwise preserving the same, and also for considering
and advising the proper measures to be adopted for giving full
force and effect as evidence in all courts of justice to all such
registers as were found accurate and faithful, and for facilitat-
ing the production and reception of the same; and whereas by
the report of the said commissioners, bearing date the 31st
December, 1857, it appears that they have received 292 non-
parochial registers or records, and that of this number 265
have, after examination as in such report mentioned, been
judged by them to be accurate and faithful, and that a certificate
to that effect, and signed by three of the said commissioners,
has been affixed to each of such 265 registers or records; that
there are certain cases, however, where only some of the entries
have been found accurate and faithful, and that in these cases
the certificate has been so framed as clearly to distinguish such
entries from the rest, and to confine the sanction of the com-
missioners to the unobjectionable portion of the registers;
and a complete list of the registers thus wholly or partially
sanctioned by the said commissioners is annexed to their report
in the Appendix (A.) thereto; and the said commissioners have
by their said report recommended that a Bill be introduced into
Parliament providing that the registers or records in the
custody of the said commissioners, and certified in the manner
described (and hereinbefore mentioned), should be deposited in
the General Register Office in the custody of the Registrar-
General of births, deaths, and marriages in England, and should
then be deemed to be in legal custody and be receivable in
evidence in all courts of justice, subject as in the said report
mentioned: Be it therefore enacted &c., as follows:—

1. *Certain Registers to be deposited with the Registrar-General.*
The Registrar-General of births, deaths, and marriages in
England shall receive and deposit in the General Register Office
all the registers and records of births, baptisms, deaths, burials,
and marriages now in the custody of the said commissioners,
and which they have by their said report recommended to be
deposited in the General Register Office in the custody of the
said Registrar-General, and which are mentioned in Appendix
(A.) to their said report.

2. *Certain other Registers may be deposited in the Office after
Examination by order of Secretary of State.* And whereas
certain non-parochial registers and records in addition to those
mentioned in the said report of the said commissioners were
sent to them before the date of such report, but too late to
allow of such registers or records being examined and reported
on by them, and other non-parochial registers or records have
been sent to them since the date of their said report; It shall

be lawful for one of her Majesty's principal secretaries of state
to appoint or authorise three or more persons to inquire into the
state, custody, and authenticity of the non-parochial registers
or records of births or baptisms, deaths or burials, and
marriages; which have been sent to the said commissioners as
aforesaid, and have not been reported on by them, and such of
the same registers or records as the persons so authorised shall
find accurate and faithful, they or three of them shall certify
under their hands as fit to be placed with the other registers
and records hereby directed to be deposited in the General
Register Office, and the Registrar-General, upon receiving the
certificate of such persons, and an order of one of her Majesty's
principal secretaries of state for this purpose, shall receive such
registers and records, and deposit them in the General Register
Office.

3. *Sections 5 to 19 of 3 & 4 Vict. c. 92, to extend to the Registers
deposited under this Act.* The provisions of the said Act of the
3rd & 4th Vict. from s. 5 to s. 19, both inclusive, and the rules,
orders, and regulations made under the said Act, shall extend
and be applicable to the registers or records deposited in the
General Register Office under this Act, in like manner as the
same are applicable to the registers or records deposited under
the said Act of the 3rd & 4th Vict.

4. *Power to increase Salary of Registrar-General, but to
include all Duties.* So much of the Act of the 6th & 7th Will.
4, c. 86, as enacts that the salary of the Registrar-General of
births, deaths, and marriages in England shall not at any time
exceed the sum of £1000 yearly, shall be repealed; and it shall
be lawful for the commissioners of her Majesty's Treasury to
appoint from time to time the salary of the said Registrar-
General, so that the same shall not at any time exceed the sum
of £1200 yearly; the salary so to be appointed to be deemed
to include the remuneration for all duties which under any Act
or Acts of Parliament the said Registrar-General is or may
hereafter be appointed or required to perform.

5. *Information of Particulars furnished by Coroner to be in
Writing, and signed by him, and Entry in Register need not be
signed by him.* And whereas by s. 25 of the 6th & 7th Will. 4,
c. 86, it was provided, that in every case in which an inquest
should be held on any dead body the jury should inquire of
the particulars therein required to be registered concerning the
death, and the coroner should inform the registrar of the finding
of the jury, and the registrar should make the entry accord-
ingly; and it was by s. 28 of the same Act enacted, that
every person by whom the information contained in any
register of birth or death under that Act should have been
given should sign his name, description, and place of abode in
the register, and no register of birth or death according to that
Act should be given in evidence which should not be signed by
some person professing to be the informant, and to be such
party as was therein required to give such information to the
registrar.

The information to be furnished to any registrar by a
coroner, under the provisions hereinbefore recited, shall be in
writing signed by the coroner, which shall specify, in addition
to the particulars required as aforesaid, the time and place at
which the inquest was holden; and it shall not be necessary
for the coroner to sign his name, description, and place of abode
in the register, as required by s. 28 of the said Act; but the
registrar shall enter in the column of the register book in
which the signature of the informant of the death is in other
cases required to be made a memorandum as follows: "Infor-
mation received from [inserting the name of the coroner], coroner
for — inquest held [date of inquest];" and any register of
death containing such entry shall be receivable in evidence in
like manner as if signed by the coroner as required by the
enactment in that behalf hereinbefore recited; and the written
information furnished as aforesaid by the coroner shall be kept
by the registrar until the delivery by him to the Superintendent
Registrar as required by law, of a certified copy of the entry of
such death, and shall be delivered together with such certified
copy to the Superintendent Registrar, and shall be by him sent
with such certified copy to the Registrar-General, and shall be
thereafter kept in the General Register Office.

6. *So much of 6 & 7 Vict. c. 85 & 86, and 7 Will. 4 & 1
Vict. c. 22, as provides that the Cost of Register Books, &c., to be
paid to Registrar-General, repealed.* So much of the Acts of the
6th & 7th Will. 4, c. 85, 86, and of the 7 Will. 4 & 1 Vict. c.
22, as provides that the cost of register books of births and
deaths, marriage register books, and forms of certified copies
thereof respectively, and of marriage notice books furnished by
the said Registrar-General, shall be paid by guardians or by
churchwardens and overseers, or by the registering officer, &c.

the Society of Friends called Quakers, or the secretary of any synagogue of persons professing the Jewish religion, and also so much of the said Act of the 6th & 7th Will. 4, c. 85, as enacts that the out of forms of certificates for marriage furnished by the said Registrar-General to any superintendent registrar shall be accounted for by such superintendent registrar to the said Registrar-General, shall be repealed.

1. So much of 16 & 17 Vict. c. 106, as enacts that Vaccination Forms shall be furnished to Registrars, and delivered by them to Medical Officers and Practitioners, repealed. And whereas by the Act of the session holden in the 16th & 17th Vict. c. 100, it was enacted, that the said Registrar-General, should within two months after the passing of that Act, frame and provide such books, forms, and regulations as he might deem requisite for carrying into full effect the provisions of that Act, and should transmit the same to the superintendent registrars of each district in England and Wales, who should deliver to the medical officers appointed as in the said Act mentioned, and other duly qualified medical practitioners in the said district, such of the said books, forms, and regulations as they might require for the performance of the duties imposed upon them by that Act, and the expenses to be incurred by the Registrar-General under the provisions of that Act should be defrayed in the same manner as the expenses under the said Act of the 6th & 7th Will. 4, c. 85.

Registrars to deliver Books, &c. to Medical Officers, &c. without requiring payment for the same.] The said enactment, except so much thereof as directs the Registrar-General to frame and provide such books, forms, and regulations as therein mentioned, shall be repealed; and the Registrar-General shall transmit from time to time to the registrar of births and deaths in every sub-district such books, forms, and regulations as may be requisite for the use of the medical officers appointed as in the said Act mentioned, and other duly qualified medical practitioners in the sub-district; and every such registrar shall deliver to such medical officers and practitioners respectively, without requiring payment for the same, such of the said books, forms, and regulations as they may require for the performance of the duties imposed upon them by that Act.

CAP. XXVI.

An Act to abolish the Property Qualifications of Members of Parliament.

[28th June, 1858.]

WHEREAS by the several Acts and parts of Acts hereinafter mentioned provisions have been made for requiring, on the part of members of the House of Commons elected for England and Ireland respectively, certain qualifications in respect of property; and whereas it is expedient that the said provisions should be repealed: Be it therefore enacted, &c., as follows:—

1. So much of 9 Anne, c. 5, 33 Geo. 2, c. 20, 59 Geo. 3, c. 37, 1 & 2 Vict. c. 48, 39 & 40 Geo. 3, c. 67, 40 Geo. 3, c. 68 (1), and 41 Geo. 3, c. 101, as relates to the Qualification of Members elected to serve in Parliament repealed.—Repeal of Acts, &c., not to revive any heretofore repealed.] The several Acts and parts of Acts hereinafter mentioned (that is to say), an Act of 9 Anne, intitled "An Act for securing the Freedom of Parliament, by further qualifying the Members to sit in the House of Commons," an Act of 33rd Geo. 2, intitled "An Act to enforce and render more effectual the Laws relating to the Qualification of Members to sit in the House of Commons," an Act of 39th Geo. 3, intitled "An Act for further regulating the Qualification of Members to serve in the United Parliament of Great Britain and Ireland," and an Act of 1st & 2nd Vict., intitled "An Act to amend the Laws relating to the Qualification of Members to serve in Parliament," and so much of an Act of Parliament of England, and of an Act of Parliament of Ireland, respectively passed in the 40th year of King George the Third, and respectively intitled "An Act for the Union of Great Britain and Ireland," as provides that the qualifications in respect of property of the members elected on the part of Ireland to sit in the House of Commons of the United Kingdom shall be respectively the same as were then provided by law in the cases of elections for counties and cities and boroughs respectively in that part of Great Britain called England, unless any other provisions should thereafter be made in that respect: by Act of Parliament of the United Kingdom, and so much of 41st Geo. 3, intitled "An Act for regulating, until the 1st May, 1802, the Trial of controverted Elections or Returns of Members to serve in the United Parliament of Great Britain and Ireland for that part of the United Kingdom called Ireland, and for regulating the Qualification of Members to serve in the said United Parliament," as relates to the qualifications of members elected to serve in Parliament, shall be repealed: Provided

always, that the repeal of the said recited Acts and parts of Acts respectively shall not be construed to revive or re-enact any Act or part of Act heretofore repealed by any of the said Acts or parts of Acts respectively.

CAP. XXVII.

An Act to amend the Course of Procedure in the High Court of Chancery, the Court of Chancery in Ireland, and the Court of Chancery of the County Palatine of Lancaster.

[28th June, 1858.]

WHEREAS it is expedient to amend further the practice and course of proceeding in the High Court of Chancery, the Court of Chancery in Ireland, and the Court of Chancery of the County Palatine of Lancaster: Be it enacted, &c., as follows:—

1. Commencement of Act.—[Short Title.] This Act shall commence and take effect from and after the 1st November, 1858, and may be cited and referred to as "The Chancery Amendment Act, 1858."

2. Power to Court of Chancery to award Damages in certain Cases.] In all cases in which the Court of Chancery has jurisdiction to entertain an application for an injunction against a breach of any covenant, contract, or agreement, or against the commission or continuance of any wrongful act, or for the specific performance of any covenant, contract, or agreement, it shall be lawful for the same Court, if it shall think fit, to award damages to the party injured, either in addition to or in substitution for such injunction or specific performance, and such damages may be assessed in such manner as the Court shall direct.

3. Damages may be assessed or Question of Fact arising in any Suit may be tried by a Jury before the Court itself.] It shall be lawful for the Court of Chancery, if it shall think fit, to cause the amount of such damages in any case to be assessed or any question of fact arising in any suit or proceeding to be tried by a special or common jury before the Court itself; and the Court of Chancery may make all such rules and orders upon the sheriff or any other person for procuring the attendance of a special or common jury, for such assessment of damages or the trial of such question of fact, as may be made by any of the superior courts of common law at Westminster, and may also make any other orders which to the Court of Chancery may seem requisite; and every such jury shall consist of persons possessing the qualifications, and shall be struck, summoned, balloted for, and called in like manner, as if such jury were a jury for the trial of any cause in any of the said superior courts; and every jurymen so summoned shall be entitled to the same rights and subject to the same duties and liabilities as if he had been duly summoned for the trial of any such cause in any of the said superior courts; and every party to any such proceeding shall be entitled to the same rights as to challenge and otherwise as if he were a party to any such cause; and generally for all purposes of or auxiliary to the assessment of damages or the trial of questions of fact by a jury before the Court itself, and in respect of new trials, the Court of Chancery shall have the same jurisdiction, powers, and authority in all respects as belong to any superior court of common law, or to any judge thereof for the like purposes; provided that from any order made by the Court on an application made for a new trial there shall be the same right of appeal as from any other order of the Court.

4. Questions ordered to be tried by Jury to be reduced into Writing.] Any question of fact and any question as to the amount of damages which shall be so ordered to be tried by a jury before the Court itself shall be reduced into writing in such form as the Court shall direct, and at the trial the jury shall be sworn to try the said question, and a true verdict to give thereon according to the evidence; and upon every such trial the Court of Chancery shall have the same powers, jurisdiction, and authority, as belong to any judge of any of the said superior courts sitting at Nisi Prius.

5. Damages may be assessed or Questions of Fact tried before the Court itself without a Jury.] It shall also be lawful for the Court of Chancery, if it shall think fit, to cause the amount of such damages in any case to be assessed, or any question of fact arising in any suit or proceeding to be tried before the Court itself without a jury, and to cause the evidence on the trial of that question to be taken by the oral examination of witnesses and other proofs in open court; and any question of fact, and any question as to the amount of damages which shall be so ordered to be tried before the Court itself, shall be reduced into writing in such form as the Court shall direct; and the verdict of the judge shall be of the same effect as the verdict of a jury under this Act; and the proceedings upon

and after such trial, as to the power of the Court, the evidence, and otherwise, shall be the same as in the case of trial by jury under this Act: Provided that, in the case of a trial under this section, any person may apply for a new trial, either to the judge before whom the trial was had, or to the Court of Appeal in Chancery.

6. *Damages may be assessed by a Jury before any Judge of one of the Superior Courts of Common Law at Nisi Prius, or before the Sheriff of any County or City.* It shall also be lawful for the Court of Chancery, in any case in which it shall think fit so to do, to cause the amount of such damages to be assessed by a jury before any judge of one of the superior courts of common law at Nisi Prius, or at the assizes, or before the sheriff of any county or city, and for that purpose to issue a precept to the sheriff of such county or city as the Court of Chancery shall think fit, or where the sheriff is interested then to the coroner, requiring him to return, summon, and impanel a common or special jury for the purpose aforesaid, in like manner as is done in cases of writs of inquiry at common law, which are to be executed before a judge or before the sheriff; and the Court of Chancery shall have power to set aside the verdict or inquisition on such inquiry, and to direct a new inquiry, in such manner and on such terms as the Court shall think fit.

7. *Where Parties are competent to make Admissions, any Party may call on any other Party to admit Documents.* In any case in which all parties to a suit are competent to make admissions, any party may call on any other party by notice to admit any document, saving all just exceptions; and in case of refusal or neglect to admit, the cost of proving the document shall be paid by the party so neglecting or refusing, whatever the result of the cause may be, unless the Court shall certify that the refusal to admit was reasonable; and no costs of proving any document shall be allowed unless such notice be given, except in cases where the omission to give the notice is, in the opinion of the taxing-master, a saving of expense.

8. *Sects. 1, 2, 3, 4, 5, 6, & 7 of this Act to extend to Court of Chancery in Ireland.* Sects. 1, 2, 3, 4, 5, 6, & 7 of this Act shall extend to and all the powers therein contained may be exercised by the Court of Chancery in Ireland in all suits and proceedings within its jurisdiction, and the Court may, for the purposes of this Act, make such rules and orders upon the sheriff, or any other person, for procuring the attendance of a jury as may be made by any of the superior courts of common law at Dublin.

9. *Lord Chancellor, &c., in Ireland may make Rules for Procedure and for regulating Fees.* The Lord Chancellor of Ireland, with the advice and assistance of the Master of the Rolls and the Lord Justice of Appeal in Ireland, or either of them, may and they are hereby required from time to time to make general rules and orders for carrying the purposes of this Act into effect as regards the Court of Chancery in Ireland, and for regulating the times and forms and mode of procedure, and generally the practice of the said Court in respect of the matters to which this Act relates, and for regulating the fees and allowances to all officers of the said Court and solicitors thereof in respect to such matters, and so far as may be found expedient for altering the course of proceeding hereinbefore prescribed in respect to the matters to which this Act relates or any of them, and such rules and orders may from time to time be rescinded or altered by the like authority, and all such rules and orders shall take effect as general orders of the said Court.

10. *Sects. 1, 2, 3, 4, 5, 6, & 7 of this Act to extend to Court of Chancery of County Palatine of Lancaster.* Sects. 1, 2, 3, 4, 5, 6, & 7 of this Act shall extend to and all the powers therein contained may be exercised by the Court of Chancery of the County Palatine of Lancaster within the jurisdiction of the said Court; and the Chancellor of the Duchy and County Palatine of Lancaster, with the advice and assistance of the Lords Justices of the Court of Appeal in the High Court of Chancery, or one of them, and of the Vice-Chancellor of the County Palatine, may and they are hereby required from time to time to make such general rules and orders as may be necessary for assimilating the procedure and practice of the Palatine Court in respect of the matters aforesaid to those of the High Court of Chancery, and for regulating the fees and allowances in respect thereof.

11. *Lord Chancellor, &c., may make Rules for Procedure and for regulating Fees.* The Lord Chancellor, with the advice and assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice-Chancellors, or any

three of them, may, and they are hereby required, from time to time to make general rules and orders for carrying the purposes of this Act into effect, and for regulating the times and forms and mode of procedure, and generally the practice of the said Court, in respect of the matters to which this Act relates, and for regulating the fees and allowances to all officers of the said Court and solicitors thereof in respect to such matters, and so far as may be found expedient for altering the course of proceeding hereinbefore prescribed in respect to the matters to which this Act relates, or any of them, and such rules and orders may from time to time be rescinded or altered by the like authority, and all such rules and orders shall take effect as general orders of the said Court.

12. *Rules and Orders to be laid before Parliament.* All general rules and orders made in pursuance of the powers contained in this Act shall, immediately after the making and issuing thereof, be laid before both Houses of Parliament, if Parliament be then sitting, or, if Parliament be not then sitting, within five days after the next meeting thereof: Provided always, that if either of the Houses of Parliament shall, by any resolution passed within thirty-six days after such rules or orders have been laid before such Houses of Parliament, resolve that the whole or any part of such rules or orders ought not to continue in force, in such case the whole, or such part thereof as shall be so included in such resolution, shall from and after such resolution cease to be binding.

CAP. XXVIII.

An Act to continue the Peace Preservation (Ireland) Act, 1856. [28th June, 1858.]

CAP. XXIX.

An Act for confirming a Scheme of the Charity Commissioners for Sir Eliab Harvey's Charity in the Town of Folkestone. [28th June, 1858.]

CAP. XXX.

An Act for confirming a Scheme of the Charity Commissioners for certain Municipal Charities in the City of Bristol. [28th June, 1858.]

CAP. XXXI.

An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Parishes of Saint Nicholas and Saint Leonard in the City of Bristol. [28th June, 1858.]

CAP. XXXII.

An Act to make valid certain Acts of the late Chief Justice of Bombay. [19th July, 1858.]

CAP. XXXIII.

An Act for the better Management of County Rates. [12th July, 1858.]

WHEREAS, by an Act passed in the 15th & 16th Vict. c. 81, intituled "An Act to consolidate and amend the Statutes relating to the Assessment and Collection of County Rates in England and Wales," the justices of the peace of the several counties or divisions of counties in England and Wales are respectively empowered to appoint a committee for the purpose of preparing a basis or standard for fair and equal county rates to be made in their respective counties and divisions; and whereas by the 51st sect. of the said Act it is amongst other things declared that in the construction of the said Act the word "county" shall mean and include any riding or division having a separate commission of the peace or separate county treasurer; and whereas certain counties having one commission of the peace are for certain purposes divided into separate divisions, each division having a separate county treasurer, and such divisions have been unequally assessed, and doubts are entertained concerning the application of the said Act in such counties, and it is expedient that the provisions of the said Act should be deemed and declared to be applicable to such counties generally, and not to separate divisions thereof particularly: Be it therefore enacted, &c., as follows:—

1. *Provisions of 15 & 16 Vict. c. 81, to apply to Counties having separate Divisional County Treasurers.* In any county having one commission of the peace, and being divided into separate divisions, having each a separate county treasurer, the provisions of the 15th & 16th Vict. c. 81, for the purpose of preparing the basis or standard as aforesaid, may be taken and considered to apply to the whole of such county generally, and not to separate divisions thereof particularly, notwithstanding any provision contained in the 51st sect. of the said Act.

2. *Justices of Divisions to raise all County Rates, and to administer all Disbursements thereout in such Divisions as heretofore.* The justices of such divisions shall nevertheless at their general

or quarter sessions of the peace, or at any adjournment thereof, raise all county rates and administer all disbursements thereout in respect of expenses incurred in and for such divisions, in like manner as they may have heretofore been accustomed to raise and administer the same in such divisions: Provided always, that the justices usually acting in two or more of such divisions may, if they shall think fit, at any general or quarter sessions of the peace to be held in each of such divisions, by an order of such several sessions, agree to raise and administer such disbursements jointly, and such divisions shall, on and after the making of such orders as aforesaid, be considered for the purposes aforesaid as one division only and not separate divisions: Provided also, that any sum heretofore levied or which may be levied hereafter for expenses incurred generally for the whole of any such county shall be levied and paid by the divisions of such county, in proportion to the total assessment of such divisions respectively, as ascertained by the basis or standard aforesaid.

CAP. XXXIV.

An Act to continue "The Railways Act (Ireland). 1851."

[12th July, 1858.

CAP. XXXV.

An Act to remove Doubts as to the Operation of a Convention between her Majesty and the Emperor of the French relative to Portendic and Albrede.

[12th July, 1858.

CAP. XXXVI.

An Act for releasing the Lands of the Commissioners for the Exhibition of 1851, upon the Repayment of Moneys granted in Aid of their Funds.

[12th July, 1858.

CAP. XXXVII.

An Act to provide for the Allotment of the Commonable Lands within the Boundaries of the late Forest of Hainault, in the County of Essex.

[23rd July, 1858.

CAP. XXXVIII.

An Act to repeal certain Provisions for the Issue out of the Consolidated Fund of fixed Amounts for the Reduction of the Funded Debt.

[23rd July, 1858.

CAP. XXXIX.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

[23rd July, 1858.

CAP. XL.

An Act to confer Powers on the Commissioners of her Majesty's Works and Public Buildings to acquire the Theatre Royal, Edinburgh, and adjacent Property, for the Erection of a new General Post Office; and for other Purposes.

[23rd July, 1858.

CAP. XLI.

An Act to extend the Time for making Advances towards Navigations in Ireland, under the Provisions of an Act of the Nineteenth and Twentieth Victoria, Chapter Sixty-two.

[23rd July, 1858.

CAP. XLII.

An Act for shortening the Time of Prescription in certain Cases in Ireland.

[23rd July, 1858.

CAP. XLIII.

An Act to amend the Municipal Franchise in certain Cases.

[23rd July, 1858.

WHEREAS, by sect. 19 of 59th Geo. 3, c. 12, intituled "An Act to amend the Laws for the Relief of the Poor," the inhabitants of any parish in vestry assembled are empowered to resolve and direct that the owner or owners of all houses, apartments, or dwellings in such parishes, being the immediate lessor or lessors of the actual occupier or occupiers, which shall respectively be let to the occupiers thereof at any rent or rate not exceeding £20 nor less than £6 by the year, for any less term than one year, or on any agreement by which the rent shall be reserved or made payable at any shorter period than three months, shall be assessed to the rates for the relief of the poor for or in respect of such houses, apartments, or dwellings, and the outhouses and outillages thereof, instead of the actual occupiers: and whereas it is doubtful whether in such case such occupier is entitled to any municipal privileges and franchises to which, by virtue of an Act passed in the session of Parliament held in the 5th & 6th Will. 4, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," he would have been entitled if he himself had been rated and had paid such rate or rates: and whereas, when the owner of any tenement is rated to the relief of the poor by virtue of an Act passed in the session of Parliament held in the

13th & 14th Vict., intituled "An Act for the better assessing and collecting the Poor Rates and Highway Rates in respect of Small Tenements," instead of the occupier thereof, and has paid all money due on account of any rate or rates in respect of such tenement, such occupier is entitled to all municipal privileges and franchises to which by virtue of the said recited Act of Will. 4 he would have been entitled if he himself had been rated and had paid such rate or rates: Be it enacted &c., as follows:—

1. Where Owner is rated, Occupier to be entitled to the same Municipal Privileges under 5 & 6 Will. 4, c. 76, as if he was rated instead of the Owner.] Where the owner of any such house, apartment, or dwelling, in the said first-recited Act mentioned, shall be rated to the relief of the poor by virtue of sect. 19 of the said first-recited Act, instead of the occupier thereof, and such owner shall have paid all money due on account of any rate or rates in respect of such house, apartment, or dwelling, such occupier shall be entitled to all municipal privileges and franchises to which by virtue of the said Act passed in the 5th & 6th Will. 4, intituled "An Act to provide for the regulation of Municipal Corporations in England and Wales," he would have been entitled if he himself had been rated and had paid such rate or rates; and if such owner so rated as aforesaid shall not have paid such rate or rates, it shall be lawful for such occupier to tender to the overseers of the poor, or other person authorised by law to receive the same, the amount of any rate or rates then due from such owner in respect of such house, apartment, or dwelling, and such overseer or other person so authorised as aforesaid shall be bound to receive the same, and such occupier shall, on the payment or tender of such amount, be entitled to exercise all such privileges and franchises as hereinbefore mentioned: Provided always, that any occupier so paying any rate or rates in respect of any such house, apartment, or dwelling, where the owner is rated to the same, shall be entitled to deduct and retain the amount so paid by him from the next payment of rent to be made by him to such owner, or to recover the same from such owner as money paid to and for the use of such owner, and upon such payment being so made by such occupier, and being by him so deducted or retained from his rent, the production by such owner of the receipt of such occupier for the amount so deducted shall be sufficient proof of such rate or rates having been duly paid.

2. Recited Act and this Act to be read as one.] So much of the said Act of the 59th Geo. 3 as remains unrepealed and this Act shall be read and construed together as one Act.

CAP. XLIV.

An Act to give to the Universities of Oxford, Cambridge, and Durham, and the Colleges in those Universities, and to the Colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, Power to sell, enfranchise, and exchange Lands under certain Conditions, and also to grant Leases for Agricultural, Building, and Mining Purposes, and to deal with the Interests of their Lessees under proper Reservations and Restrictions.

[23rd July, 1858.

WHEREAS it is expedient that the universities of Oxford, Cambridge, and Durham, and the colleges in those universities, and the colleges of St. Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, should be empowered to sell, enfranchise, and exchange their lands under certain conditions, and also to grant leases for agricultural and building and mining purposes under proper reservations and restrictions, and to deal with the interests of their lessees in manner hereinafter provided: And whereas the several Acts now in force in relation thereto are inadequate for such purposes: Be it enacted &c., as follows:—

1. Power to the Universities and Colleges to sell, enfranchise, and exchange Lands under certain Conditions.] It shall be lawful for the said universities, and for any college therein respectively, and for the colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, with the consent of the Copyhold Commissioners, to sell any estate in lands either at law or in equity which now is or at any time hereafter shall be vested in such universities respectively, or in any such college, and also with such consent as aforesaid to enfranchise any copyhold or customary lands held of any manor belonging to such universities respectively, or any such college, or to exchange any estate in lands for any other lands, whether the same shall be of a like nature or not, and upon any such exchange to receive or pay any money by way of equality of exchange; and all moneys which on any such sale, enfranchisement, or exchange shall be received by or become payable to or for the benefit of such universities respectively, or

for any such college, shall from time to time be paid into the Bank of England for the benefit of such universities respectively, or of any such college, to an account to be intitled "The Account of the Copyhold Commissioners Ex parte the University or the College for whose benefit such moneys shall have been so paid (describing such university or college by its corporate name) in the Matter of this Act;" and the receipt of the said Copyhold Commissioners shall be an effectual discharge to any purchaser or other person for any money therein expressed to be received, and all moneys so paid into the Bank of England shall be applicable and be applied in payment for equality of exchange as aforesaid, or shall be laid out by such university or college with such consent as aforesaid in the purchase of other lands in fee simple, or of any lands of a leasehold tenure, (such leasehold to be held for a term of not less than 500 years yet to come and unexpired at the time of such purchase at a nominal rent, and to be contiguous to or convenient to be held with any other lands belonging to such universities respectively, or to any such college), such lands to be conveyed and assigned respectively to the use or for the benefit of such university or college, and to be held together with any lands received in exchange by such university or college upon the like trusts and for the like purposes as the lands sold or given in exchange by such university or college respectively; and the moneys from time to time remaining unapplied for the purposes aforesaid shall be invested by and in the names of the said Copyhold Commissioners to the account aforesaid in the purchase of Government stocks, funds, or securities, which the said Copyhold Commissioners shall hold in trust for such university or college; and the said Copyhold Commissioners may sell and dispose of the same for the purposes of this Act as occasion may require, and in the meantime the interest, dividends, and annual proceeds of such moneys, stocks, funds, and securities, shall be paid to such university or college, to be applied to the same purposes as the annual income was applicable, which arose out of the lands from the sale, enfranchisement, or exchange of which the money invested in such stocks, funds, or securities, was produced. Provided that, except as hereafter is mentioned, nothing in this section contained shall apply to any estate of the universities respectively, or any such college as aforesaid, in reversion, in lands expectant upon any lease for a life or lives, or for a term of years determinable upon any life or lives, or for a term of years whereof more than seven shall be unexpired, on which a rent less than three-fourths of the clear yearly value of such lands shall have been reserved, except where the lessee has a right of renewal.

2. *Made in which Consents of Copyhold Commissioners to be evidenced.* The consent heretofore required to be given by the Copyhold Commissioners to any sale, enfranchisement, or exchange to be effected under the authority of this Act, shall be evidenced in manner following (that is to say); the said Commissioners, upon consideration of the proposed sale, enfranchisement, or exchange, and the report thereon of the surveyor of the university or college proposing the same, and being satisfied as to the propriety thereof, shall issue an order under their hands and the common seal of their board, authorising such proposed sale, enfranchisement, or exchange, to be carried into effect by the university or the college making application under the provisions of this Act; and the consent of the said Commissioners heretofore required to the re-investment of the moneys to be received upon any such sale, enfranchisement, or exchange in the purchase of other lands, shall also be evidenced by a similar order, to be issued by the said Commissioners in manner aforesaid, approving of the proposed purchase, and authorising the university or college (as the case may be) to carry the same into effect; and it shall not in any case be necessary that the said Commissioners should be made parties to, or should execute any conveyance, assignment, or other assurance to be made by such university or college for effecting any sale, enfranchisement, exchange, purchase, or mortgage under the powers of this Act, or satisfy themselves as to the title of any lands, the subject of any such exchange or purchase: Provided, that notwithstanding anything herein contained, the said commissioners shall be at liberty (if they shall think fit) to require a valuation to be made by any surveyor to be selected or approved by them, and also a plan to be furnished of the lands, the subject of any such sale, enfranchisement, exchange, purchase, or mortgage; and all costs and expenses of and incidental to the obtaining such consent shall be borne by the university or college applying for the same.

3. *Form of Orders to be issued by Commissioners.* The several orders to be issued by the said Commissioners, pursuant to the

foregoing provisions, shall respectively be in the form or to the effect set forth in the schedule to this Act, with such variations only as occasion may require.

4. *Power to accept Surrenders from Lessees in Consideration of Annual Payments, and to sell and exchange to or with such Lessees.* For facilitating such transactions by way of sale and exchange between the university or college and their lessees, it shall be lawful for the said universities, and for any college therein respectively, and for the colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, upon accepting the surrender of the whole or any part of the lands comprised in any lease for years or for a life or lives, to covenant or agree to grant to the person so surrendering during the residue then unexpired of the term, or so long as such lease but for such surrender would have continued, such an annual sum as may be agreed upon between such university or college and lessee respectively; and it shall also be lawful for such university or college, upon accepting such surrender, and with such consent and so evidenced as aforesaid, to contract with the lessee or person so surrendering for the sale or exchange to or with such lessee or person of the lands comprised in the surrender, such lands being for the purpose of such sale or exchange valued as if in the possession of such university or college discharged of such lease, and to convey the same in pursuance of such contract accordingly.

5. *Repeal of 19 & 20 Vict. c. 95, and of sect. 48 of 19 & 20 Vict. c. 88.* The Act 19 & 20 Vict. c. 95, intituled "An Act to give to the University of Oxford and to Colleges in the said University, and to the College of Saint Mary of Winchester near Winchester, Power to sell and exchange Lands under certain Conditions," also the 48th sect. of 19 & 20 Vict. c. 88, intituled "An Act to make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton," shall be and the same are hereby repealed; so, nevertheless, as not to prejudice or affect any negotiations or arrangements which shall have been entered upon or made under the provisions of the said Act and section, and which shall be actually pending at the time of the passing of this Act, and which negotiations or arrangements the university or college shall, notwithstanding anything herein contained, be at liberty to complete under the said last-mentioned provisions, but all moneys which shall become payable thereunder shall be paid and applied in manner hereinbefore particularly mentioned; and any moneys which at the time of the passing of this Act shall be standing to any account appointed by the Church Estates Commissioners by virtue of the said Act and section, and any stocks, funds, or securities in or upon which any such moneys shall have been invested, shall be paid and transferred to the like account, as is hereinbefore directed in respect of the moneys to become payable under the provisions of this Act.

Provisions as to Purchase of Lessee's Interests.

6. *Power to purchase the Interests of Lessees in consideration of a gross Sum of Money or by an annual Charge.* It shall be lawful for the said universities and any college therein respectively, and the colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, to purchase by agreement from any lessee holding under any lease for years or for a life or lives granted by such university or college, whereon a rent less than three-fourths of the clear yearly value of such lands shall have been reserved, the term, estate, and interest of such lease in all or any of the lands comprised in such lease for such consideration, either by payment to such lessee of a gross sum of money (to be provided or raised as hereafter mentioned), or by the grant to such lessee during the residue then unexpired of the term, or so long as such lease but for such purchase would have continued, such an annual sum as may be agreed on between such university or college and lessee respectively.

7. *Apportionment of Rent in case of the Purchase of Part only of the Lands comprised in Leases.* Upon the purchase by such university or college of the estate or interest of any lessee in a part only of the lands comprised in any lease, it shall be lawful for the steward, chapter clerk, solicitor, or agent of such university or college and such lessee, by a memorandum in writing under their respective hands, which may be endorsed on such lease, to apportion the rent reserved thereby, and declare what part thereof shall continue payable thereunder; and thereupon such apportioned part of the rent shall be payable as if the same had been the rent originally reserved in respect of the lands not purchased; and where the rent originally reserved was an ancient and accustomed rent, the part so continuing payable shall be deemed and taken to be the ancient and ac-

customed rent for the lands not purchased, and the reservations, covenants, and agreements contained in such lease, and the powers and authorities of such university or college so far as the same shall be applicable to the lands not purchased, shall remain in full force as if such purchase had not been made.

8. *Consent of Sub-lease with Covenant for Renewal.*] If any lands held under lease from such university or college shall have been sublet, with a covenant on the part of the original lessee to renew the under-lease upon any renewal of the original lease, the interest of the lessee in such lands shall not be purchased under this Act by such university or college, without the consent in writing of such sub-lessee: Provided always, that such university or college shall not be prevented from making such purchase, nor shall their title to any such lands be affected in respect of the existence of any such under-lease, unless such university or college shall have had notice thereof in writing, but the sub-lessee shall, in cases where a purchase shall have been made without such notice, be entitled to recover such damages for the loss of the benefit of such covenant against the party bound by the covenant for the loss to be sustained by him as he would be entitled to in respect of its non-performance on a renewal by the original lessee.

9. *Power to University or College with Consent of Copyhold Commissioners to raise Money by Mortgage, to be applied to such Purchases.*] In case there shall not be any moneys, stocks, funds, or securities belonging to such university or college, properly and conveniently applicable in or towards such last-mentioned purchase, it shall be lawful for such university or college, with the consent of the said copyhold commissioners (such consent to be evidenced by an order to be issued under their hands and common seal in the form or to the effect set forth in the said schedule hereto), to raise such sum or sums of money as shall be required for that purpose, and be stated in such order, together with all reasonable costs and expenses, by mortgage, for a specified determinable term of years, of all or any of the lands comprised in any such lease which shall be so purchased as aforesaid.

Leasing Powers.

10. *Power to grant Leases for a Term not exceeding Twenty-one Years at Rack-rent.*] It shall be lawful for the said universities and for any college therein respectively, and for the colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, from time to time after the passing of this Act, by indenture, sealed by such university or college with their common seal, to lease all or any of the lands which now are or at any time hereafter shall be either at law or in equity vested in such university or college (except as hereinafter is mentioned), with the appurtenances, for any term or number of years not exceeding twenty-one years to take effect in possession and not in reversion or by way of future interest, and at the best rent that can be reasonably obtained for the same, so as there be not any fine, premium, or foregift taken for the making thereof, and so as the rent be made payable half-yearly or oftener, and so as sufficient power of entry be reserved for securing the payment of the rent and the performance and observance of the lessee's covenants therein, and so as the lessee be not thereby made dispensable for waste, and so as the lessee execute a counterpart of the lease; and every such lease may be on such terms and conditions as such university or college may think reasonable.

11. *Power to grant Building and Repairing Leases for a Term not exceeding 99 Years.*] It shall be lawful for the said universities and for any college therein respectively, and for the colleges of St. Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, from time to time after the passing of this Act, by indenture sealed by such university or college with their common seal, to lease all or any of the lands which now are or at any time hereafter shall be either at law or in equity vested in such university or college (except as hereinafter is mentioned), with the appurtenances, for any term or number of years not exceeding ninety-nine years to take effect in possession and not in reversion or by way of future interest, to any person or persons who may be willing to improve or repair the present or any future houses thereon, or any of them, or to erect other houses and buildings in lieu thereof or in addition thereto, or to erect any houses or other buildings on any land whereon no building shall be standing, or who shall be willing to annex any part of the same lands to buildings erected or to be erected on the said lands or any part thereof, or otherwise to improve the said premises or any part thereof, and with or without liberty for the lessee to take down any buildings standing on the lands in any such lease to be

comprised, and to dispose of the materials thereof to such uses and for such purposes as shall in such lease be agreed upon; and with or without liberty for the lessee to lay out and appropriate any part or parts of the lands to be comprised in any such lease, as and for accommodation lands, plantation, gardens, pleasure grounds, yards, or other conveniences or appendages, for the use or convenience of the tenants or occupiers of the said houses or other buildings, and also to set out and allot any part or parts of the lands to be comprised in any such lease, as and for streets, squares, or other similar spaces of ground, roads, avenues, approaches, courts, ways, passages, towers, drains, wells, reservoirs, yards, or otherwise; for the use and convenience of the tenants or occupiers for the time being of the said houses or buildings, or of adjoining houses or buildings, or for the general improvement thereof, or of any part thereof; and also with or without liberty for the lessee to dig, take, and carry away, and dispose of such earth, clay, sand, or gravel as it shall be found convenient to remove for effecting any of the purposes aforesaid; and also with or without any other liberties, easements, or privileges which are or may be usual in leases of a similar description, so as there be reserved by every such lease the best and most improved yearly rent that can be reasonably obtained for the premises comprised therein at the time of the granting or making of such lease, or the contract for the same, payable half-yearly or oftener, during the continuance of the term thereby granted, and to be incident to and go along with the reversion immediately expectant on the determination thereof; and so as any such lease be made without taking any fine, premium or foregift, or anything in the nature thereof, for or in respect of the making of the same; and so as in every such lease made for the purpose of having buildings erected there shall be contained a covenant on the part of the lessee to build, complete, and finish such buildings within a time to be therein specified for that purpose; and so as in every such lease made for the purpose of having buildings repaired or rebuilt there shall be contained a covenant on the part of the lessee substantially to rebuild or repair the same within a time to be therein specified for that purpose; and so as in every such lease, whether for building or repairing, or otherwise, there be contained on the part of the lessee a covenant for the due payment of the rent to be thereby reserved and (subject to the provisions in this behalf hereafter contained) of all taxes, charges, rates, assessments, and impositions whatsoever affecting the lands therein comprised (except only the tax (if any) for the time being upon property or income in respect of the rent reserved); and also a covenant for keeping the buildings erected and built, or to be erected and built, in repair during the term thereby granted; and also a covenant for keeping the houses and buildings (subject to the provision in this behalf hereafter contained) insured from damage by fire to the amount of three-fourths at least of the value thereof in some or one of the public offices of insurance, to be selected or approved from time to time by such university or college, and to lay out the money to be received by virtue of such insurance, and also all such other sums as shall be necessary in rebuilding, repairing, and reinstating such houses and buildings as shall be destroyed or damaged by fire; and also to surrender the possession of, and leave in good condition and repair, the houses and buildings erected and to be erected or rebuilt or repaired on the premises therein comprised, on the expiration or other sooner determination of the term to be thereby granted, or such covenants on the part of the lessee as shall be in substance and effect the same as or equivalent to the covenants hereinbefore specified; and so as in every such lease there be contained a power for such university or college, their stewards, surveyors, or agents, to enter upon the premises and inspect the condition thereof, and also a proviso or condition of re-entry for nonpayment of the rent thereby reserved for any space not exceeding forty days, or for nonperformance of any of the covenants or agreements on the part of the lessee therein contained; and also with or without a proviso that no breach of any of the covenants or agreements to be therein contained (except the covenant for payment of the rent and other such covenants or agreements (if any) as such university or college shall think it reasonable to except) shall occasion any forfeiture of such lease, or of the term thereby granted, or give any right of re-entry, unless or until judgment shall have been obtained in an action for such breach, nor unless the damages and costs to be recovered in such action shall have remained unpaid for the space of three calendar months after judgment shall have been obtained in such action, and so as there be not contained in any such lease any clause or words authorising the lessee to commit waste or exempting him

from punishment for committing waste, save so far as may be necessary for or incident to the purposes aforesaid, or any of them; and every such lease may also contain any other covenants, provisions, conditions, restrictions, and stipulations which shall appear reasonable to such university or college, and particularly any provisions that where any such lease is granted with liberty to erect thereafter any house or houses on the land thereby demised in addition to the house in respect of which the original yearly rent thereby reserved shall be payable, then in addition to such original yearly rent to be so reserved as aforesaid, there shall also be reserved any such additional yearly rent, to become payable only in the event of such additional house or houses being thereafter built, as shall be the best and most improved additional yearly rent that can, at the time of the making or granting of such lease or for the contract for the same, and considering the nature and circumstances of the case, be reasonably obtained, and shall be made payable half-yearly or oftener, from a time not later than the time when the respective additional house is fit for habitation and use, and shall continue payable during the remainder of the term granted by such lease, and be incident to and go along with the reversion immediately expectant on the determination thereof; and also a provision for apportioning the rent to be reserved in and by any such lease, and for exonerating any part of the lands to be comprised in any such lease from the payment of any specified portion of the whole rent to be thereby reserved, and so that the respective lessees execute counterparts of their respective leases.

12. *Power to enter into Contracts for granting Leases, and afterwards to grant Leases pursuant thereto.* It shall be lawful for the said universities and for any college therein respectively, and for the colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, by themselves, or by any person or persons acting on their behalf, to enter into any contract in writing, either conditional or absolute, for making or granting any lease authorised to be granted under the provisions of this Act, and in any such contract or contracts (with the consent of the contractor or contractors) to reserve power to rescind and vary the same, and to enter into fresh contracts or not, as such university or college shall think fit, and by any such contract to agree, when and as any land or buildings thereby agreed to be let, or any part or parts thereof shall be respectively built upon, rebuilt, or repaired, laid out, formed, or improved in the manner and to the extent to be stipulated in such contract, by one or more indenture or indentures, to lease or cause to be leased the same lands or buildings or any part thereof to the person or persons contracting to take the same as aforesaid, or his or her executors, administrators, or assigns, or to his, her, or their nominee or nominees, for and during the remainder of the term to be specified in such contract, and in such parcels, and under and subject to such portion or portions of the yearly rent to be specified in such contract as shall be thought proper: and also (if such university or college shall think the same expedient) to agree that the yearly rent agreed to be reserved in any such contract may be made to commence at any such periods within two years from the date of such contract, and may be made to increase periodically, beginning with such portion of the full rent thereby agreed to be paid as shall be thought advisable, and increasing up to the full rent as shall be thought proper, and as in such contract shall be expressed, regard being had to the quantity of land from time to time agreed to be leased, and the progress of the buildings, rebuildings, or repairs stipulated to be erected or made thereon, or on some part thereof; but so, nevertheless, that the full yearly rent shall be made to commence at a period not exceeding five years from the date of the said contract, with liberty nevertheless to make provisions in the same contract for the payment of an additional yearly rent or rents, in the event of any house or houses being thereafter built on the land comprised in the same contract, in addition to the house or houses in respect of which such original yearly rent was reserved or made payable, and also to agree that when and as any lease shall be granted of any part of the lands so contracted to be leased the lands so for the time being leased shall be discharged from such contract, and that the person with whom such contract shall have been entered into shall remain liable, in respect of such part of the lands comprised in such contract as shall not for the time being be leased, to the payment of such portion only of the rent by such contract agreed to be paid as may be thought proper and shall in such contract be provided for, and also to agree that the person with whom such contract shall be entered into may have, exercise, and enjoy all or any of the liberties, easements, and privileges therein authorised to be granted, except such thereof as such

university or college shall think reasonable to except: provided also, that there may be contained in every such contract as aforesaid such further or other agreements and stipulations as to such university or college shall seem reasonable.

13. *Variations in Terms between Leases and Contracts not to be material, and Contracts not to form Part of Title.* No lease granted or to be granted under the powers of this Act shall be invalid by reason of any variation between any such lease and any prior contract for a lease which may have preceded the granting of such lease, but every lease to be granted as aforesaid shall be valid and effectual, notwithstanding such variation; and no person taking such lease or claiming under such lease shall be bound to inquire whether such lease is in pursuance of or authorised by any such prior contract, nor shall any such person be in any manner affected by anything contained in any such contract; and the contract or contracts which shall have preceded such lease shall not at law or in equity form a part of the necessary evidence of the title of the lessee or lessees named in such lease, or of his, her, or their executors, administrators, or assigns, whether such lease is or is not expressed to be granted under or in pursuance of any such previous contract, provided that such lease shall not be inconsistent or at variance with the provisions and restrictions herein contained with respect to the leases hereby authorised to be granted.

14. *Power to Universities and Colleges to insure Buildings, &c. comprised in any Lease and to charge the Tenants with the Premiums.* It shall be lawful for the university and college, if they shall think fit, in any lease to be granted under the powers of this Act, to cause to be omitted the covenant on the part of the lessee, hereinbefore directed to be inserted, for keeping the houses and buildings comprised in such lease, or to be erected and built on the lands therein comprised, insured from loss or damage by fire, and in lieu of such covenant to insert or cause to be inserted in any such lease a covenant on the part of such university or college to keep such houses and buildings insured from loss or damage by fire to the amount of three-fourths at least of the value thereof, and to lay out the money which shall be received by virtue of such insurance in substantially rebuilding, repairing, and reinstating such houses or buildings as shall be destroyed or damaged by fire, and to cause to be inserted in such lease such covenants, stipulations, and provisions for securing to such university or college the repayment of the sum or sums of money which shall be paid by them in effecting or keeping on foot any such insurance as such university or college shall think fit.

15. *Power to Universities and Colleges to dispose of Brick-earth, &c.* From and after the passing of this Act it shall be lawful for the said universities, and any college therein respectively, and the colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, either by themselves, or by any person or persons on their behalf, to enter into such contract or contracts in writing as they may deem expedient, with any person who may be willing to purchase the liberty or privilege of digging and raising gravel or sand, or earth, loam, or clay, suitable for making bricks or tiles, out of any part of the lands belonging to such university or college, and to grant to such person, either by indenture sealed with the common seal of such university or college, or by such other ways or means as may be deemed expedient, and for such considerations, as to such university or college shall appear reasonable or proper, the liberty or privilege of digging and raising such gravel, sand, earth, loam, or clay, and of selling and disposing of the same, together with all such powers as may be requisite for carrying such contract or contracts into effect: Provided always, that the net moneys which shall be received by the university or college for or in respect of the grant of such liberty or privileges as aforesaid, shall be applied and disposed of by such university or college, in the manner herein-after directed respecting the net rents, tolls, duties, royalties, and reservations which shall be received by such university or college for or in respect of any lease to be granted under the authority of the 20th section of this Act.

16. *Lessors may enter into Arrangements with Lessees as for Lighting, Paving, &c.* From and after the passing of this Act it shall be lawful for the said universities, and any college therein respectively, and the colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, at any time or times to make or enter into any arrangement or arrangements with the lessees or tenants of the lands leased under the authority of this Act, or any or either of them, either alone or in conjunction with any other person or persons, for the lighting, paving, draining, and cleansing, or otherwise for the general improvement or more convenient use and enjoyment of such

lands, or any part thereof, or the roads, streets, ways, approaches, avenues, or passages in or about the same, and for such purposes, or any or either of them, to give and grant or allow such easements, rights, liberties, and privileges in or over such lands, or any part thereof, to any person or persons whomsoever, as by such university or college shall be deemed expedient, and under and subject to such provisos, conditions, and restrictions as shall be deemed proper; and for carrying into effect any such arrangement, to enter into and to insert or cause to be inserted in any lease or leases, or contract or contracts for any lease or leases, to be made or entered into by virtue of this Act, such covenants, agreements, and stipulations on the part of such university or college, or the said lessee or respective lessees, his, her, or their heirs, executors, administrators, or assigns, as by such university or college shall be thought requisite or proper.

17. *Universities and Colleges may enter into Arrangements with Lessees as to Payment of Land Tax and Tithe Rent-charge.* It shall be lawful for the said universities, and any college therein respectively, and the colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, if they shall think it expedient so to do, to enter into any arrangement for the payment by them of the land tax and tithe rent-charge, or either of them, for the time being payable for or in respect of any of the lands comprised in any lease to be granted under the authority of this Act, or any part thereof, in exoneration therefrom of the respective lessees or tenants of such lands, any or either of them, and to accept and reserve an additional or increased rent or rents in consideration thereof, and in any lease or leases, contract or contracts, to be made or entered into in pursuance of this Act to enter into or cause to be inserted such covenants, stipulations, and agreements, on the part of such university or college, or the lessee or lessees, his, her or their heirs, executors, administrators, or assigns, with respect to the land tax and tithe rent-charges, or either of them, to which the lands thereby leased or agreed to be leased are or may be respectively liable, or any part thereof, as upon a due consideration of all circumstances shall to such university or college seem advisable.

18. *Power to appropriate any Part of Lands for Streets, Squares, &c.* It shall be lawful for the said universities and any college therein respectively, and the college of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, to lay out and appropriate any part or parts of the lands authorised to be leased on building or repairing leases under the provisions of this Act, as and for a way or ways, streets, squares, approaches, avenues, roads, courts, passages, sewers, drains, yards, gardens, or pleasure-grounds, or other easements or conveniences for the general improvement of the said lands, or for the accommodation or convenience of the tenants and occupiers thereof, in such manner and upon such terms, and either subject to or without being subject to any annual or other payments by such tenants or occupiers as shall be mentioned or agreed upon in any lease to be made in pursuance of this Act, or in any general deed to be executed for that purpose under the common seal of such university or college, and to be enrolled in one of her Majesty's Courts of record at Westminster, and also by such lease or by such general deed to give such privileges and other easements in or over the said lands or any part thereof as such university or college shall deem reasonable or convenient.

19. *Power to lease Running Water and Waterleaves, and Wayleaves, &c.* It shall be lawful for the said universities and any college therein respectively, and the colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, from time to time after the passing of this Act, under such restrictions as are hereafter mentioned, by any deed to be executed under their common seal, to grant by way of lease unto any person or persons whomsoever, any liberties, licenses, powers, or authorities to have, use, or take, either in common with or to the exclusion of any other person or persons, all or any of the water flowing, or which shall or may flow, or be made to flow in, through, upon, or over any lands belonging to such university or college, or any part or parts thereof (except as hereinafter is mentioned), and also all wayleaves or waterleaves, canals, watercourses, tramroads, railways, and other ways, paths, passages, either subterraneous or over the surface of any lands, yards, wharfs, or other like easements or privileges in, upon, out of, or over any part or parts of the lands belonging to such university or college (except as hereinafter is mentioned) for any term or number of years, not exceeding sixty years, to take effect in possession and not in reversion or by way of future interest, so as there be reserved on every

such grant by way of lease as last aforesaid, payable half-yearly or oftener, during the continuance of the term thereby granted, the best yearly rent or rents, either in the shape of a stated or fixed sum of money, or by way of toll or otherwise, that can be reasonably obtained for the same, without taking any fine, premium, or foregift, or anything in the nature of a fine, premium, or foregift, for the making thereof (other than any provision or provisions which it may be deemed expedient to insert in any such grant, rendering it obligatory on the grantee or lessee, or grantees or lessees, to repair or contribute to the repair of any roads or ways, or to keep open or otherwise use in any specified manner any water or watercourse to be comprised in or affected by any such grant or lease), and so as there be contained in every such grant by way of lease as last aforesaid, a condition or power of re-entry or a power to make void the same, in case the rent thereby reserved or made payable, or any part thereof, shall not be paid within some reasonable time to be therein specified in that behalf; and so as the respective grantees or lessees do execute counterparts of the respective grants or leases; and generally that in and by any such grant by way of lease as last aforesaid, there shall or may be reserved and contained any other reservations, covenants, agreements, or stipulations whatsoever, not inconsistent with those hereby required to be reserved or contained, which it shall be deemed expedient to introduce therein.

20. *Power to grant Mining Leases for a Term not exceeding Sixty Years.* It shall be lawful for the said universities and for any college therein respectively, and for the colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, from time to time after the passing of this Act, by indenture sealed with their common seal, to lease any mines, quarries, minerals, and substances in, under, or upon any lands belonging to such university or college, either with or without any messuages, buildings, or lands convenient to be held or occupied with the same respectively, and either with or without the surface of any lands in or under which the same or any part thereof respectively shall lie, and whether the same have or have not been hitherto opened or worked, unto any person or persons for any term or number of years not exceeding sixty years, to take effect in possession and not in reversion or by way of future interest, together with full liberty, power, and authority to search, bore, dig, sink for, work, and raise the said mines, quarries, minerals, and substances, and to work any adjacent mine by way of outstroke or other underground communication, and for those purposes from time to time to do whatever shall be needful or requisite for, in, or about the winning, working, getting, cleansing, and smelting of the said minerals and substances and for the manufacturing and carrying away the same, or otherwise incident to mining operations, so as in every such lease there be reserved and made payable during the term thereby granted the best and most improved yearly or other rent or rents, whether certain or contingent, either in money or in tolls, duties, royalties, and reservations, by the acre, or by the ton, or otherwise, as can under the circumstances of the case be reasonably obtained for the same, and so as such lease be made without any fine, premium, or foregift for the same, and so as in every such lease there be contained on the part of the lessee a covenant for the due payment of the rent to be thereby reserved, and of all taxes, charges, rates, assessments, and impositions whatsoever affecting the lands therein comprised; and also a proviso or condition of re-entry for nonpayment of the rent thereby respectively reserved for some reasonable time to be therein specified, or for nonperformance or nonobservance of any of the covenants or agreements on the part of the lessee therein contained (except such, if any, of the same covenants and agreements, not being for the payment of rent, as such university or college shall think it reasonable to except), and so as there be not contained in such lease any clause or words authorising the lessee to commit waste, or exempting him from punishment for committing waste, save so far as may be necessary for the purposes aforesaid, and so as the lessee do execute a counterpart of such lease, and enter into such further or other covenants and agreements as such university or college granting such lease shall deem expedient, due regard being had in every case to the custom of the country or district within which such mines, quarries, minerals, or substances are situate or found.

21. *Application of Mineral Rents, &c.* All the net rents, tolls, duties, royalties, and reservations which shall be received by the university or college, for or in respect of any lease to be granted under the authority of the last foregoing section, shall be applied and disposed of by such university or college in manner following; (that is to say), one equal third part of

such net rents, tolls, duties, royalties, and reservations, shall be applicable and be applied by such university or college as part of their ordinary income, and the remaining two equal parts thereof shall be applicable and be applied by such university or college in or upon any of the purposes following; (that is to say), in the purchase of lands to be conveyed to the use or for the benefit of such university or college, or in the erection of new buildings, or in the addition to and enlargement of any existing buildings, or in the drainage, or other permanent and lasting improvement of any lands belonging to such university or college, or in the purchase of any wayleaves or other easements, in, over, or upon any lands adjoining, or near to any such lands: and, in the meantime, until such two equal third parts shall be applied in or upon any of the purposes aforesaid, the same shall be invested by such university or college in the purchase of government stocks, funds, or securities, and the interest, dividends, and annual proceeds thereof shall be received by such university or college, and be applicable as part of their ordinary income.

22. Powers to release, enter into new Contracts, and accept Surrenders of Leases, &c.] It shall be lawful for the said universities and any college therein respectively, and the colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, at any time to release any person or persons with whom any contract or contracts may be entered into in pursuance of this Act, and his, her, or their executors, administrators, and assigns, from the performance of all or any part of the same contract or contracts respectively, and to enter into any new contract or contracts, according to the provisions of this Act, with the same or any other person or persons, or his, her, or their executors, administrators, or assigns, in lieu of the contract or contracts, or the part or parts of the contract or contracts, in respect whereof such release shall have been made, and to enter into any new covenants and agreements with any person or persons with whom any contract or contracts may be entered into, by way of addition to or explanation or alteration of all or any part or parts of the covenants and agreements in any such contract or contracts respectively contained; and also to accept a surrender or surrenders of all or any part of the lands which may be comprised in any such contract or contracts, and of all or any part of the lands comprised in any lease to be granted under any of the powers hereinbefore contained, or which shall have been granted before the passing of this Act; and upon any such surrender to grant, according to the powers hereinbefore contained, either to the person surrendering or to any other person or persons, one or more new lease or leases of the lands so surrendered, or any part thereof, either alone or together with any other lands, and with liberty, in regulating the terms upon which such new lease or leases shall be granted, to make such allowance or remuneration, either by way of annual charge upon the lands so surrendered, or otherwise, to the person surrendering the same, or his or her executors, administrators, or assigns, for the value (if any) of the estate or interest which shall have been so surrendered, as to such university or college shall seem reasonable, but so that no such allowance or remuneration by way of annual charge shall continue for a longer term or period than the term or period at which the estate or interest which shall be surrendered would, if not surrendered, have determined by effluxion of time: Provided always, that upon any such surrender as aforesaid, it shall be lawful for the said university or college, if they shall think fit to grant a new lease or new leases of the lands so surrendered, either to the person surrendering the same or to any other person, for any term or number of years not exceeding the then unexpired residue of the term granted by the surrendered lease, at a rent or several rents equivalent to the amount of the rent which was reserved by the surrendered lease in respect of the entirety of the lands so surrendered, and in making such new lease or leases, either again to subject the whole of the lands so surrendered to a rent equivalent to the whole amount of the rent which was payable for the same lands under such surrendered lease, or so to apportion the amount of rent which was payable under such surrendered lease as that in the new lease or leases, so to be made as aforesaid, some specific part or parts only, and not the whole of such lands, shall be subject to the whole or some specific portion only of the amount of rent which was payable under such surrendered lease, and so that if a rent or rents equivalent to the whole amount of the rent which was payable under such surrendered lease, shall by any such new lease or leases be reserved or made payable in respect of a part or parts only of such lands, such university or college may grant a lease or leases of the residue of such lands at the yearly rent of a peppercorn: Provided always, that a

certificate in writing under the hand of the solicitor, steward, chapter clerk, or agent for the time being of such university or college, that the entire rent mentioned in the surrendered lease has been duly reserved in pursuance of this enactment, shall, as regards the lessee or lessees under such new lease or leases, and all persons claiming under him or them, be sufficient and conclusive evidence of such reservation: Provided also, that when and as any such new lease shall be granted under the powers herein contained, of any lands comprised in any such surrendered lease, the lease so surrendered shall form no part of the title to such new lease.

23. On Recovery of Possession of any Lands under a Condition of Re-entry new Leases may be granted.] If the university or college shall at any time hereafter enter upon and resume or recover possession of any lands comprised in any lease or contract to be granted or entered into under the powers of this Act, by virtue of any condition of re-entry therein contained, then and in every such case it shall be lawful for such university or college, if they shall think fit, to grant leases, or enter into contracts to grant leases, and afterwards to grant leases of the same lands, and every or any part thereof, pursuant to the powers and subject to the restrictions herein contained: Provided always, that in any such case as last aforesaid it shall be lawful for such university or college, if they shall think fit, to grant a lease, or to enter into a contract to grant a lease, and afterwards to grant a lease of the lands comprised in any such forfeited lease or contract for any term or number of years not exceeding the then unexpired residue of the term granted or agreed to be granted by such forfeited lease or contract at a yearly rent or yearly rents, which shall not be less in amount than the yearly rent reserved or agreed to be reserved by such forfeited lease or contract, but subject in all other respects to the restrictions herein contained.

24. Power to confirm Leases which may be void or voidable by reason of any technical Error or Informality.] If any lease or grant purporting to have been granted or made by virtue of this Act shall, by reason of any technical error or informality in exercising the powers of this Act, be void or voidable, then and in every such case it shall be lawful for the university or college, if they shall think fit, to confirm such lease or grant, or to make a new lease or grant of the lands therein comprised, pursuant to the powers and subject to the restrictions herein contained, in lieu of such void or voidable lease for any term or number of years not exceeding the then residue of the term of years granted or purported to be granted by such void or voidable lease, and at and under a yearly rent or yearly rents which shall be not less in amount than the yearly rent reserved by such void or voidable lease.

25. Receipts indorsed upon Leases, &c. to be Evidence of Execution of Counterparts.] A memorandum in writing under the hand of the steward, chapter clerk, solicitor, or agent of the university or college, indorsed upon any lease to be granted under the powers of this Act, acknowledging that he has received such counterpart of the said lease as is hereby required to be executed, or a recital or statement in such lease to the effect that such counterpart has been duly executed, shall, in favour of the lessee and of all persons claiming under him, be conclusive evidence that such counterpart was duly made and executed pursuant to the provisions of this Act.

26. Particular Property not to be leased.] Provided always, that this Act, or anything herein contained, shall not authorise the granting of any lease or the laying out or appropriating for the purposes in this Act mentioned of any house, or building or lands forming part of or attached to or locally situate within the boundaries or precincts of any college, or of any offices, outbuildings, yards, and gardens to any such college adjoining or appertaining, and which may be necessary or convenient for actual occupation by the members of any such college or any of them, or the grant or lease of any mines, minerals, quarries, ways, watercourses, or other easements, the grant thereof may be prejudicial to the convenient enjoyment of any such house or building, or the offices or gardens thereto belonging.

27. Powers to raise Money, with Consent of Copyhold Commissioners, by Mortgage for certain Purposes.] It shall be lawful for the said universities and any college therein respectively, and for the colleges of St. Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, from time to time and at any time hereafter, with the consent of the said copyhold commissioners (such consent to be evidenced by an order, to be issued under their hands and common seal, in the form or to the effect set forth in the said schedule hereto) to raise, by mortgage of any lands belonging to such university or college,

for any term of years (determinable as hereafter provided), such sum or sums of money (together with all reasonable costs and expenses incidental to such raising and the application thereof) as shall be certified by the surveyor of the university or college to be properly required, and shall be authorised by the said commissioners, with interest thereon not exceeding the rate to be specified in such order, and to apply such sum or sums of money for all or any of the purposes following: (that is to say,) for or towards the restoration and improvement and (if need be) enlargement of any house or building forming part of or connected with or otherwise belonging to such university or college, or for or towards the erection of new or additional houses or buildings, or for the extension and improvement of any existing houses or buildings upon any lands belonging to such university or college, or for the drainage or other permanent and lasting improvement of any lands belonging to such university or college.

28. *Provision for the Discharge of the Moneys borrowed on Mortgages.*] Where any mortgage is made by any university or college, under either of the powers hereinbefore contained for that purpose, such university or college shall, out of the rents and profits of the lands comprised in any such mortgage, or out of the funds and revenues of such university or college, either repay the same moneys by the grant of an annuity, upon such terms as shall be approved of by the said commissioners, to the lender or other person to whom the same moneys shall be due, or shall keep down all the interest of such moneys as the same shall become due, and annually thereafter reserve or raise out of the same rents and profits, or funds and revenues, and out of the income arising from any such sinking fund as shall have been created under the provisions following, one thirtieth part at least of the amount of the principal debt, and apply the same to the reduction thereof, either by direct payment to the lender or other person to whom the same shall be due, if he shall consent or be under engagements or otherwise required to receive the same, or by the creation of a sinking fund for that purpose in such manner as shall be approved of by the said commissioners, to the end that the whole of every such principal debt may be discharged, with the same interest thereof, out of the said rents and profits, or funds and revenues and income, within or at the expiration of the period of thirty years from the borrowing thereof: Provided also, that in every such mortgage there shall be contained a proviso that when the whole of such principal debt, interest, and costs shall be discharged and satisfied in manner aforesaid, the mortgage term thereby created shall absolutely cease and determine: Provided always, that where any such mortgage is made for raising money for the purchase of the estate or interest of a lessee of lands held under such university or college, provision shall be made for applying by some of the means aforesaid, so long as the lease but for such purchase would have continued (unless the moneys secured by such mortgage be sooner discharged), towards the interest and discharge of the principal money, such yearly sum as shall be certified by the said copyhold commissioners to be equal to the clear yearly value of the lands comprised in such lease, after deducting the rent reserved to the university or college, and making other usual and proper landlord's deductions.

29. *Act to extend to Lands held in trust, or for special Endowments.*] The powers and provisions of this Act in relation to any lands vested in the said universities and in any college therein respectively, and in the colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, shall extend and be applicable not only to any lands so vested as the property or for the general purposes of the university or college, but also to any lands so vested which may be held upon any trusts, or for any special endowment or other purpose connected with the university or college.

30. *Act not to restrain existing Powers.*] Nothing in this Act contained shall restrain the said universities or any college therein respectively, or the colleges of Saint Mary of Winchester near Winchester, or of King Henry the Sixth at Eton, from exercising any powers of sale, enfranchisement, exchange, purchase, or borrowing moneys, or from granting any leases or making any grants, whether by way of renewal or otherwise, which the said universities or any such college as aforesaid might have exercised or granted under the provisions of any public or private Act of Parliament, or under any other authority, or in any other manner whatsoever, in case this Act had not been passed: Provided, that upon any exchange being effected under the provisions of "The Acts for the Inclosure, Exchange, and Improvement of Land," it shall be lawful for the "Inclosure Commissioners for England and Wales" to authorise any moneys by way of equality of exchange to be

received by any such university or college, and any moneys to be so received shall be paid into the Bank of England to the account and in manner hereinbefore particularly mentioned, and until such payment as aforesaid no order of exchange shall be finally confirmed by the said last-named commissioners, and a recital of such payment in the order of exchange shall be conclusive evidence thereof: Provided also, that notwithstanding the provisions of the Act 18 Eliz. c. 5, it shall not be necessary to reserve or make payable in corn any part of the rent to be reserved upon any lease to be granted under the powers of this Act.

31. *Christ Church to be considered a College.*] For the purposes of this Act the cathedral or house of Christ Church in Oxford shall be considered to be to all intents and purposes a college of the university.

32. *Interpretation of Terms.*] In the construction of this Act (unless there be something in the subject or context repugnant thereto) the word "person" or the word "persons" shall include corporations whether aggregate or sole authorised by law to take and hold lands; the word "lease" shall include grant by copy of court roll; the word "lands" shall include tenements and hereditaments, corporeal and incorporeal; and the word "lessee" shall include any person or body corporate in whom any subsisting lease or grant, or the term or estate thereby granted in the whole or any part of the lands comprised in such lease, is either by the original grant or demise, or by assignment, devise, or operation of law for the time being vested.

33. *Short Title.*] It shall be sufficient for all purposes to cite this Act as "The Universities and College Estates Act, 1858."

The SCHEDULE referred to in the foregoing Act.

Form of Order authorising Sale or Enfranchisement or Exchange.

COPYHOLD COMMISSION.

In the Matter of "The Universities and College Estates Act, 1858." Ex parte Oxford [or —] University [or —] College in the University of —.]

Whereas a statement has been submitted to the Copyhold Commissioners on behalf of the said university [or college] containing a proposal for the sale or enfranchisement or exchange (as the case may be) of certain lands, &c., belonging to the said university [or college] (state shortly the particulars of such lands, &c., the terms of such enfranchisement, and the consideration money or description of other lands to be given in exchange, with any other material circumstances). Now the said commissioners being of opinion, upon consideration of the circumstances, that the said proposed sale, [or enfranchisement, or exchange,] will be advantageous and for the interest of the said university [or college] and their successors, do authorise the said university [or college] to carry such proposed sale, [or enfranchisement, or exchange,] into effect upon the terms above stated.

Witness their hands and common seal, this — day of —, 1858.

Form of Order approving a Reinvestment in the Purchase of other Lands.

COPYHOLD COMMISSION.

In the Matter of "The Universities and College Estates Act, 1858." Ex parte Oxford [or —] University [or —] College in the University of —.]

Whereas there is now standing in the books of the Governor and Company of the Bank of England to the credit of the account of the Copyhold Commissioners, Ex parte (here state the particular account), the sum of £— (insert amount of cash or stock), being moneys received from the sale [or enfranchisement, or for equality of exchange, as the case may be] of certain lands belonging to the said university [or college], by virtue of certain orders heretofore issued by the said commissioners under the provisions of the said Act. And whereas it has been represented to the said Commissioners that the purchase of certain lands situate at — consisting of — state shortly the particulars of such lands, the purchase-money, with any other material circumstances) is a fit and proper purchase whereon to invest the said sum of £— (or the sum of £—, part of the said aggregate sum of £—): Now the said Commissioners being of opinion, upon consideration of the above circumstances, that the said proposed purchase will be advantageous, and for the interests of the said university [or college] and their successors, do hereby approve of the same on the terms above stated, and do direct that the same purchase shall forthwith be completed by such university [or college], and that upon the completion thereof the said sum of £—, now standing to the credit of the said account of the said Commissioners as aforesaid, [or the said sum of £—, to be paid or raised out of the said sum of £— now standing to the credit of the account of the Commissioners as aforesaid,] shall be applied in payment of the said purchase-money.

Witness their hands and common seal, this — day of —, 1858.

Form of Order authorising a Mortgage.

COPYHOLD COMMISSION.

In the Matter of "The Universities and College Estates Act, 1858." Ex parte Oxford [or —] University [or —] College in the University of —.]

Whereas a statement has been submitted to the Copyhold Commissioners on behalf of the said university [or college], containing a proposal for the raising of the sum of £— by way of mortgage of [name the lands proposed to be mortgaged, the purposes for which the sum is to be raised, with any other material circumstances]: Now the said Commissioners being of opinion, upon consideration of the circumstances, that the said proposed sum of £— may be advantageously raised and applied in the manner and for the purposes aforesaid, do authorise the said university [or college] to raise the same sum for the purposes aforesaid by mortgage of the said lands, for any term not exceeding — years, with interest

thereon in the meantime after the rate of £— per cent. per annum, payable half-yearly during the continuance of the said loan, or (as the case may be) by the grant of an annuity to be secured on such lands in manner provided by the 27th section of this Act.

Witness their hands and common seal, this — day of —.

CAP. XLV.

An Act to amend the Provisions of an Act of the Sixth Year of King William the Fourth, for separating the Palatine Jurisdiction of the County Palatine of Durham from the Bishopric of Durham; and to make further Provision with respect to the Jura Regalia of the said County. [23rd July, 1858.

WHEREAS by 6 Will. 4, c. 19, it was by the 1st sect. enacted, that from and after the commencement of that Act the Bishop of Durham for the time being should have and exercise episcopal and ecclesiastical jurisdiction only, and that from and after the commencement of that Act the palatine jurisdiction, power, and authority theretofore vested in and belonging to the Bishop of Durham should be separated from the bishopric of Durham, and should be transferred to and vested in his Majesty, his heirs and successors, as a franchise and royalty separate from the Crown, and should be exercised and enjoyed by his Majesty, his heirs and successors, as a separate franchise and royalty, in as large and ample a manner in all respects as the same had been theretofore exercised and enjoyed by the Bishop of Durham, and that all forfeitures of lands or goods for treason or otherwise, and all mines of gold and silver, treasure trove, deodands, escheats, fines and amerciaments, and all jura regalia, of what nature or kind soever, which if that Act had not been passed would or might belong to the Bishop of Durham for the time being in right of the county palatine of Durham, should be vested in his Majesty and his successors in right of the same; and it was by the said Act provided, that nothing thereinbefore contained should prejudice or affect the jurisdiction of any of the courts of the said county palatine, or any appointment theretofore made to any office in the said county palatine, or any act whatsoever theretofore done by the Bishop of Durham in right of the said county palatine; and by the 9th section of the same Act it was provided, that nothing thereinbefore contained should have the effect of severing or separating from the said bishopric, or of affecting the rights and powers of the said bishop in, over, upon, and with respect to any lordships, manors, houses, lands, tenements, tithes, rents, collieries, mines, minerals, rectories, advowsons, profits, or emoluments, of any kind or description whatsoever, whether held in right of the said bishopric, or in right of the said county palatine, or otherwise howsoever, other than and except only any profits and emoluments thereinbefore expressly mentioned and directed to be severed therefrom: And whereas, by virtue of an Act passed in the session of the 3rd and 4th years of the reign of her present Majesty, intitled "An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues," and of a scheme of the ecclesiastical commissioners, and an order of her Majesty in council, dated the 4th April, 1856, and published in the *London Gazette* on the 22nd day of the same month, ratifying the said scheme, with the consent of the Right Rev. Edward, then Bishop of Durham, testified by his hand and episcopal seal being affixed to the said scheme, all the manors, lands, tithes, tenements, and hereditaments which then belonged, either in possession or reversion, to the said bishop in right of his bishopric (except rights of patronage, the episcopal residence at Bishops Auckland, with the grounds thereto belonging, and certain other lands specified in the schedule to the said scheme, and sums of money and cash), and all the estate and interest therein of the said bishop, are transferred to and become vested in the said ecclesiastical commissioners and their successors, for the purposes of the last-mentioned Act, and other Acts referred to in the said scheme, as from the 1st of October then last: And whereas amongst the jura regalia claimed by the Bishop of Durham previously to and at the time of the passing of the said first-recited Act was the right to the shore of the sea between high-water mark and low-water mark, and to the beds and shores of navigable rivers so far as the tide flows and reflows therein, within the said county of Durham: And whereas doubts are entertained with respect to the said claim, and with respect to the construction of the said Act, how far such right is or has thereby become vested in her Majesty: And whereas doubts have also arisen how far some portions of the said seashore and of the said beds and shores of the said navigable rivers do or do not belong to the see of Durham, as parcel of some or one of the manors, seigniories, or possessions appertaining thereto: And whereas for putting an end to all controversy and question with respect to the several matters aforesaid, by a memorandum of agreement dated the 11th day

of June, 1857, made between the Honourable Charles Alexander Gore, a commissioner of her Majesty's woods, forests, and land revenues, on behalf of the Queen's most Excellent Majesty, of the one part, and the ecclesiastical commissioners for England of the other part, after reciting, as is by this Act recited, and that it was desirable that the doubts which had arisen as hereinbefore recited should be removed, it was, with the approval of the commissioners of her Majesty's Treasury and of her Majesty's law officers, agreed, that, subject to the sanction of Parliament being obtained, the following arrangement should be made concerning the premises; that is to say, *first*, that, subject as hereinafter mentioned, it should be considered or enacted that all the estate and interest of the bishop in right of the see and county palatine of Durham, or in right of any manor, parcel of that see, and also any estate and interest of her Majesty the Queen in right of the said county palatine, and whether by virtue of the recited Act of the 6th & 7th Will. 4, c. 19, or irrespectively of the said Act, in the shores of the German Ocean, and of navigable rivers below high-water mark within the county of Durham, was by the last-mentioned Act or otherwise should become vested in her Majesty in right of her crown, and that it should be provided that the same should be held by her Majesty as part of the hereditary possessions of the Crown; *second*, that such declaration should not extend to such lands recovered from the flow of the tide before the passing of the said Act of the 6th & 7th Will. 4 as the bishop had previously to that Act in fact received rent from as reclaimed land (which land was to continue parcel of the see of Durham); *third*, that existing leases by the bishop of parts of the shores in question, not being such reclaimed land as aforesaid, should be confirmed, but that the rents reserved by them, or a fair proportion of such rents, if other property was comprised in the same lease, should in future be paid to the Crown; *fourth*, that all purchase-moneys and rents received on behalf of the Crown for foreshore in any part of the county should, after payment of expenses, be divided into halves, and that one moiety should be paid to the ecclesiastical commissioners, and the other moiety be retained on behalf of her Majesty; *fifth*, that any moneys deposited in the Court of Chancery for land taken since the 5th day of July, 1836, being then foreshore, and not previously reclaimed, for which rent had been received by the bishop, should in like manner be divided equally between the Crown and the ecclesiastical commissioners, and that all sales and transactions in respect of which such moneys have been deposited should be confirmed; *sixth*, the definition of the county to be the same as in the Act of King Will. 4, except that Holy Island was not to be included in the arrangement; *seventh*, a schedule to be made out of the premises coming within the scope of the third article: And whereas it is expedient that the arrangement referred to in the recited memorandum of agreement be carried into effect, subject to such variations as are made by this Act, and that such further provisions should be made as are hereinafter contained, and her Majesty has been graciously pleased to assent thereto: Be it therefore enacted &c.,

1. *Definition of the Words "the County of Durham."* That in this Act the words "the county of Durham" shall have the same interpretation and meaning as in the said recited Act.

2. *The Interest of the Bishopric of Durham in the Foreshores of the County of Durham vested in her Majesty.* All the estate, right, title, and interest of or to which her Majesty the Queen is seised or entitled in right of the said county palatine, and also all the estate, right, title, and interest whatsoever of or to which the Bishop of Durham was at the time of the passing of the first recited Act, or of or to which the said bishop or the ecclesiastical commissioners for England now is or are seised or entitled, either in right or as part or parcel of the county palatine or see of Durham, or of any lordship, manor, or seigniority forming part of the possessions of such see or county palatine respectively, in and to the soil and freehold of the beds and shores of navigable rivers so far as the tide flows and reflows, and the shores of the sea below high-water mark, and also (except as hereinafter provided) in and to any inclosures, embankments, or encroachments made therefrom or thereupon respectively, within or adjacent to the county of Durham, and also in and to any stocks, funds, and securities or money standing in the name of the Accountant-General of the Court of Chancery, representing the purchase-money or value of any part of the beds and shores aforesaid (subject, as regards the said stocks, funds, securities, and moneys, to any dispositions of the interest of the see of Durham therein heretofore lawfully made by the Bishop of Durham for the time being), is and are by this Act transferred to and vested or declared to be vested in the Queen's most Excellent

Majesty, her heirs and successors, as part of the hereditary possessions and land revenues of the Crown, and to be within the ordering and survey of her Majesty's Court of Exchequer at Westminster, anything in the said first-recited Act notwithstanding, subject nevertheless to any leases now affecting the same premises or any part thereof: Provided nevertheless, that nothing in this Act contained shall extend to the island called "Holy Island," situate in that part of the County Palatine of Durham called "Ilandshire," neither shall anything herein contained extend to, transfer to, or vest in her Majesty the right or title of the Bishop of Durham or of the ecclesiastical commissioners in or to any land reclaimed from the flow of the tide in any navigable river or upon the shore of the sea within the county of Durham, from which the said Bishop had previously to the passing of the first-recited Act actually received rent after the same had been so reclaimed, but all such last-mentioned reclaimed land shall be deemed to have been and to be parcel of the possessions late belonging to the see of Durham, and now vested in the said ecclesiastical commissioners for England.

3. *Certain Leases by the Bishop confirmed, but Rents received under some of them to be apportioned.* All leases granted by the Bishop of Durham for the time being of any part or parts of the shores of any navigable river so far as the tide flows, or of the shores of the sea, and of any inclosures, embankments, or encroachments made therefrom or thereupon respectively, within or adjacent to the county of Durham, and all leases of any rights, of whatsoever description, upon or over the beds or shores of any such navigable river, or of the shore of the sea within the same county, are by this Act confirmed, and all rents and profits of such reclaimed land as aforesaid as is reserved to the said ecclesiastical commissioners by the proviso to the 2nd section of this Act shall continue to be received by the said ecclesiastical commissioners, and all other rents and profits which shall accrue due under any of the said leases shall be paid to the commissioners of her Majesty's woods, forests, and land revenues, on behalf of the Queen's Majesty, her heirs and successors, subject to the provisions hereinafter contained; and when any lease shall comprise other property in addition to that in respect of which the rents and profits are by this Act directed to be paid to her Majesty, and one or more rent or rents is or are reserved in respect of the entire premises demised, such rent or rents shall, during the subsistence of such lease, continue to be received by the said ecclesiastical commissioners, anything in this Act contained notwithstanding; but an apportionment shall be made of such rent or rents, either by some competent surveyor, to be agreed upon and appointed by the commissioners of woods, forests, and land revenues, or one of them, on behalf of her Majesty, and by the ecclesiastical commissioners, or by two surveyors (one to be nominated by each party), and an umpire to be named by such two surveyors, or by the major part in number of such two surveyors and umpire; and every such apportionment shall be conclusive, and the proportion of the rents and profits which shall be apportioned to her Majesty shall thenceforth during the continuance of the lease be paid by the said ecclesiastical commissioners to the commissioners of her Majesty's woods, forests, and land revenues, on behalf of her Majesty, her heirs and successors, subject nevertheless as hereinbefore mentioned; but the apportionment of rent hereinbefore directed shall in no manner affect or prejudice any lessee under any such lease, nor affect or prejudice any covenant, proviso of re-entry, or any other proviso or condition therein; and the said ecclesiastical commissioners shall during the continuance of any such lease have all such powers of recovering the rent, and of compelling the performance of the covenants, and right of re-entry, in all respects as if they were entitled to the reversion of all the hereditaments comprised in the lease; but on any determination of any lease, including any part of the property belonging to her Majesty, under the provisions of this Act or otherwise, the same shall in all respects become subject to the provisions of the several Acts of Parliament regulating the management of the possessions and land revenues of the Crown; and in lieu of the schedule by the said recited agreement directed to be made, the counterparts of all leases of any hereditaments, the whole rents arising in respect whereof are by this Act directed to be paid to the commissioners of her Majesty's woods, forests, and land revenues, shall immediately after the passing of this Act be delivered up to the same commissioners, and copies of the counterparts of all leases of any hereditaments, the whole or a portion of the rents and profits accruing in respect whereof are directed to be paid to the said last-named commissioners, shall, immediately after the passing of this Act, be made in the office of the ecclesiastical commissioners for England, and such

counterparts and copies to be so delivered to the said commissioners of woods, and to be so made as aforesaid, shall be enrolled in the office of land revenue records and enrolments, and the enrolment thereof shall be admissible as evidence of the said leases respectively.

4. *Rents and Proceeds from the Foreshores of Durham to be divided equally between the Crown and the Ecclesiastical Commissioners.* All rents and profits and other moneys which may be received by the commissioners of her Majesty's woods, forests, and land revenues, under the provisions of this Act or otherwise howsoever, from, and the proceeds of any sales or dispositions made by them or either of them, of any part of the bed or shores of any navigable river so far as the tide flows, or of the shores of the sea below high-water mark, or of any inclosures, embankments, and encroachments made therefrom or thereupon respectively within the county of Durham, and after deducting thereout all costs, charges, and expenses in anywise incidental to the sale or management or recovery of such property, shall be divided into moieties, and one moiety of such rent, profits, moneys, and proceeds, shall be applied by the commissioners of her Majesty's woods, forests, and land revenues, as part of the hereditary possessions and land revenues of the Crown, in the manner prescribed by 10 Geo. 4, c. 50, and the other moiety thereof shall be paid by the same commissioners to the ecclesiastical commissioners for England; but, notwithstanding this provision for the apportionment of the said rents, profits, moneys, and proceeds, the said ecclesiastical commissioners shall have no right to interfere with the management or disposition of such property, which shall be managed and disposed of in all respects as part and parcel of the hereditary possessions of the Crown, and as if no such provision as last aforesaid had been made.

5. *Forfeitures and other Jura Regalia vested in her Majesty in Right of her Crown.* All forfeitures of lands or goods for treason or otherwise, and all mines of gold and silver, treasure trove, escheats, fines, and amerciaments, and all jura regalia, of what nature or kind soever (other than any estate and interest in the beds and shores of navigable rivers so far as the tide flows, and in the shore of the sea, and any inclosures, embankments, and encroachments therefrom or thereupon respectively, and as to which premises provision is hereinbefore contained), which, under the provisions of the recited Act, are vested in her Majesty in right of the county palatine of Durham, shall be and the same are hereby vested in her Majesty, her heirs and successors, in right of the Crown, and shall be exercisable and recoverable, and the proceeds therefrom shall be applied accordingly.

6. *General Saving.* Saving always to all and every persons and person, and bodies politic and corporate, their, his, and her heirs, executors, administrators, and successors (other than in the cases already provided for and intended to be provided for by this Act), all such estates, rights, titles, and interests, as they and every or any of them had and enjoyed before the passing of the Act, or could or might have had or enjoyed in case this Act had not been passed.

CAP. XLVI.

An Act to remove Doubts as to the Validity of certain Marriages of British Subjects abroad. [23rd July, 1858.]

WHEREAS marriages have from time to time been solemnised at Moscow, in the empire of Russia, in a chapel there belonging to the Russia Company, but not belonging to any British factory there, by the chaplain, a minister of the Church of England, and doubts may be entertained concerning the validity of such of the said marriages as may have been solemnised since the passing of the 12 & 13 Vict. c. 69: And whereas certain marriages of British subjects were solemnised in Tahiti, by or in the presence of Mr. George Charles Miller, her Majesty's consul for the island of Tahiti and its dependencies, before the authority, under the hand of one of her Majesty's principal Secretaries of State, to solemnise and register marriages according to the provisions of the said Act of the 12th & 13th years of her Majesty, was received by such consul: And certain marriages have been solemnised at Ningpo, by or in the presence of Mr. C. A. Sinclair, her Majesty's vice-consul there, and by or in the presence of Mr. Thomas Taylor Meadows, acting as vice-consul at Ningpo in the absence of the said C. A. Sinclair, no such authority as before mentioned to solemnise and register marriages having been received by such vice-consul or acting vice-consul; and doubts may be entertained as to the validity of such marriages: Be it enacted &c., as follows:—

1. *Certain Marriages solemnised in Moscow, Tahiti, and Ningpo confirmed.* All marriages which before the passing of this

Act have been solemnised in the chapel of the Russia Company at Moscow by the chaplain of the said company, or by any minister in holy orders, according to the rites and ceremonies of the United Church of England and Ireland, and all marriages solemnised in the island of Tahiti or its dependencies by or in the presence of the said George Charles Miller, and all marriages solemnised at Ningpo by or in the presence of the said C. A. Sinclair or Thomas Taylor Meadows (both or one of the parties to such respective marriages being subjects or a subject of this realm), shall be deemed and held to be as valid in the law as if the same respectively had been solemnised within her Majesty's dominions with a due observance of all forms required by law.

2. *Certificates received by Secretary of State to be sent to the Registrar-General, and certified Copies to be Evidence as under 6 & 7 Will. 4, c. 86.* It shall be lawful for one of her Majesty's principal Secretaries of State to transmit to the Registrar-General of Births and Marriages in England all such certificates of the marriages solemnised as aforesaid as have been or shall be transmitted to the office of such Secretary of State, under the seal of the said Russia Company, or by her Majesty's consuls or vice-consuls at Moscow, Tahiti, and Ningpo respectively; and all certificates which shall be transmitted to such Registrar-General by such Secretary of State as certificates of the marriages confirmed by this Act shall be received by such Registrar-General; and shall be kept in the General Register Office in manner directed by the 6 & 7 Will. 4, c. 86, "For registering Births, Deaths, and Marriages in England," concerning the certified copies of registers sent to the said Registrar-General, as therein mentioned; and a certified copy of any such certificate, such copy purporting to be sealed or stamped with the seal of the General Register Office, shall be received as evidence of the marriage to which the same relates having been solemnised as aforesaid, without further or other proof.

3. *Right to search Certificates, and have certified Copies.* All persons shall have the like right to search such certificates and to have certified copies thereof, and upon the like payment, as provided under the said Act with respect to searches in the indexes to be made and kept in the said Register Office under that Act, and certified copies of registers therein mentioned; and sect. 43 of such Act concerning the destroying, injuring, or falsifying of register books, or giving false certificates of entries, or certifying any false copy or extract, shall be applicable with respect to the certificates to be received by the said Registrar-General under this Act in the like manner as such enactment applies with respect to such register books.

CAP. XLVII.

An Act to amend the Law of False Pretences. [23rd July, 1858.]

WHEREAS it is expedient to amend the law relating to false pretences: Be it enacted &c., as follows:—

1. *Any Person obtaining Signature to Bill of Exchange, &c., by False Pretences, deemed guilty of Misdemeanour.* If any person shall by any false pretence obtain the signature of any other person to any bill of exchange, promissory note, or any valuable security, with intent to cheat or defraud, every such offender shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to be sentenced to penal servitude for the term of four years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award.

CAP. XLVIII.

An Act to substitute one Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Her Majesty's Subjects professing the Jewish Religion.

[23rd July, 1858.]

WHEREAS it is expedient that one oath should be substituted for the oaths of allegiance, supremacy, and abjuration now required by law: Be it therefore enacted &c., as follows:—

1. *Oath to be taken instead of Oaths of Allegiance, Supremacy, and Abjuration.* Instead of the oaths of allegiance, supremacy, and abjuration, where the same are now by law required to be taken, and taken and subscribed respectively, the following oath shall be taken and subscribed:

"I, A. B., do swear, That I will be faithful and bear true allegiance to her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, crown, or dignity, and I will do my utmost endeavour to disclose and make known to her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the

Crown, which succession, by an Act, intituled 'An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject,' is and stands limited to the Princess Sophia Electress of Hanover, and the heirs of her body being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of this realm; and I do declare, that no foreign prince, person, prelate, state, or potentate hath or ought to have any jurisdiction, power, or superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a Christian. So help me God."

2. *The Name of the Sovereign for the Time being to be used in the Oath.* Where in the oath hereby appointed the name of her present Majesty is expressed or referred to the name of the sovereign of this kingdom for the time being, by virtue of the Act "For the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," shall be substituted from time to time, with proper words of reference thereto.

3. *Oath appointed by this Act to be taken in the same Cases and in like Manner as the present Oaths.* The oath hereby appointed shall be taken and subscribed in the same cases, and by and before the same persons, and at the same times and places, as the oaths of allegiance, supremacy, and abjuration are respectively now directed to be taken, and taken and subscribed; and the taking and subscribing of the oath hereby appointed shall have the like effect as the taking, and taking and subscribing respectively of the oaths of allegiance, supremacy, and abjuration would have had if this Act had not been passed; and the refusal, neglect, or omission to take and subscribe the oath hereby appointed shall be attended with the like disabilities, incapacities, penalties, liabilities, and consequences, as now by law provided in the case of refusal, neglect, or omission to take or take and subscribe respectively the oaths of allegiance, supremacy, and abjuration; and all provisions now in force shall be construed and take effect accordingly: Provided always, that no person, having before the commencement of this Act taken the oaths of allegiance, supremacy, and abjuration, shall be required to take and subscribe the oath hereby appointed, unless and until he would be by law required to take the said oaths of allegiance, supremacy, and abjuration, in case this Act had not been passed.

4. *Form of Affirmation for Quakers, &c.* Provided always, that every person of the persuasion of the people called Quakers, and every other person now by law permitted to make his solemn affirmation or declaration, instead of taking an oath, shall, instead of taking and subscribing the oath hereby appointed, make and subscribe a solemn affirmation in the form of the oath hereby appointed, substituting the words "solemnly, sincerely, and truly declare and affirm," for the word "swear," and omitting the words, "And I make this declaration upon the true faith of a Christian. So help me God;" and the making and subscribing of such affirmation by a person hereinbefore authorised to make and subscribe the same, with such omission as aforesaid, shall have the same force and effect as the taking and subscribing by other persons of the oath hereby appointed.

5. *Persons professing the Jewish Religion to make Declaration in certain Cases.* 9 Geo. 4, c. 17; 8 & 9 Vict. c. 52.] And whereas by a certain Act passed in the 9th year of the reign of King George the Fourth, intituled, "An Act for repealing so much of the several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments," a certain declaration is prescribed to be taken in the cases in the said Act mentioned: And whereas, by an Act passed in the 9th year of the reign of her present Majesty, intituled, "An Act for the Relief of Persons of the Jewish Religion elected to Municipal Offices," a certain other declaration was permitted to be taken in certain cases by persons professing the Jewish religion, instead of the declaration required to be made and subscribed by the said Act of King George the Fourth: And whereas it is right to extend the benefit of the last-recited Act to all other cases in which the declaration set forth in the said Act of the 9th year of the reign of King George the Fourth is by law required to be taken: Be it enacted, That in all cases which are not within the provisions of the said Act of the 9th year of the reign of her Majesty, in which any other of her Majesty's subjects are required by law to make and subscribe the declaration set forth in the said Act of the 9th year of the reign of King George the Fourth, her Majesty's subjects professing the Jewish religion shall be required instead thereof to make and subscribe the declaration set forth in the said Act of the 9th year of the reign of her present Majesty, which declaration shall, with respect to such person professing the Jewish religion, be of the same force and

effect as if he made and subscribed the said declaration by the said Act of the 9th year of the reign King George the Fourth, and shall be made and subscribed at the same times and places respectively, and preserved of record in the same manner, as the last-mentioned declaration is now by law required to be made, subscribed, and preserved.

5. *Act not to affect Roman Catholic Relief Act, 10 Geo. 4, c. 7.* Provided also, that nothing in this Act contained shall be held to alter or affect the provisions of 10 Geo. 4, c. 7, "For the Relief of His Majesty's Roman Catholic Subjects."

CAP. XLIX.

An Act to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion. [23rd July, 1858.]

BE it enacted &c., as follows:—

1. *Power to either House of Parliament to modify the Form of Oath to be taken instead of the Oaths of Allegiance, &c., by a Person professing the Jewish Religion, to entitle him to sit and vote in such House.* Where it shall appear to either House of Parliament that a person professing the Jewish religion, otherwise entitled to sit and vote in such House, is prevented from so sitting and voting by his conscientious objection to take the oath, which by an Act passed or to be passed in the present session of Parliament has been or may be substituted for the oaths of allegiance, supremacy, and abjuration, in the form therein required, such House, if it think fit, may resolve that thenceforth any person professing the Jewish religion, in taking the said oath to entitle him to sit and vote as aforesaid, may omit the words, "and I make this declaration upon the true faith of a Christian;" and so long as such resolution shall continue in force, the said oath, when taken and subscribed by any person professing the Jewish religion to entitle him to sit and vote in that House of Parliament, may be modified accordingly; and the taking and subscribing by any person professing the Jewish religion of the oath so modified shall, so far as respects the title to sit and vote in such House, have the same force and effect as the taking and subscribing by other persons of the said oath in the form required by the said Act.

2. *As to the Form of Oath in other Cases.* In all other cases, except for sitting in Parliament as aforesaid, or in qualifying to exercise the right of presentation to any ecclesiastical benefice in Scotland, whenever any of her Majesty's subjects professing the Jewish religion shall be required to take the said oath, the words, "and I make this declaration upon the true faith of a Christian" shall be omitted.

3. *Act not to enable Persons professing the Jewish Religion to hold certain Offices.* Nothing herein contained shall extend or be construed to extend to enable any person or persons professing the Jewish religion to hold or exercise the office of Guardians and Justices of the United Kingdom, or of regent of the United Kingdom, under whatever name, style, or title such office may be constituted, or of Lord High Chancellor, Lord Keeper or Lord Commissioner of the Great Seal of Great Britain or Ireland, or the office of Lord Lieutenant or Deputy or other Chief Governor or Governors of Ireland, or her Majesty's High Commissioner to the General Assembly of the Church of Scotland.

4. *Rights of Presentation to any Ecclesiastical Benefice possessed by Persons professing the Jewish Religion to devolve upon the Archbishop of Canterbury for the Time being.* Where any right of presentation to any ecclesiastical benefice shall belong to any office in the gift or appointment of her Majesty, her heirs or successors, and such office shall be held by a person professing the Jewish religion, the right of presentation shall devolve upon and be exercised by the Archbishop of Canterbury for the time being; and it shall not be lawful for any person professing the Jewish religion, directly or indirectly, to advise her Majesty, her heirs or successors, or any person or persons holding or exercising the office of Guardians of the United Kingdom, or of Regent of the United Kingdom, under whatever name, style, or title such office may be constituted, or the Lord Lieutenant or Lord Deputy, or any other Chief Governor or Governors of Ireland, touching or concerning the appointment to, or disposal of, any office or preferment in the United Church of England and Ireland or in the Church of Scotland; and if such person shall offend in the premises he shall, being thereof convicted by due course of law, be deemed guilty of a high misdemeanour, and disabled for ever from holding any office, civil or military, under the Crown.

CAP. L.

An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England. [23rd July, 1858.]

CAP. LI.

An Act further to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts. [23rd July, 1858.]

WHEREAS by "The Charitable Trusts Act, 1853" [16 & 17 Vict. c. 137], it was provided, that that Act should not, for the period of two years from the passing thereof, extend or be in any manner applied to charities or institutions the funds or income of which were applicable exclusively for the benefit of persons of the Roman Catholic persuasion, and which were under the superintendence or control of persons of that persuasion: And whereas by "The Charitable Trusts Amendment Act, 1855" [18 & 19 Vict. c. 124], such charities or institutions as aforesaid were exempted in like manner from the operation of the said Amendment Act, and the exemption so extended was continued until the 1st September, 1856, and has since been extended to the 1st September, 1858 [20 & 21 Vict. c. 76]: And whereas it is expedient that such exemption should be continued as hereinafter mentioned: Be it therefore enacted &c., as follows:

1. *Exemption continued until 1st September, 1859.* The said Acts shall not, until the 1st September, 1859, extend or be in any manner applied to the charities or institutions aforesaid.

CAP. LII.

An Act to appoint a Clerk of Nisi Prius for the Consolidated Nisi Prius Court in Ireland, and to make Provision for the Appointment of Tipstiffs in the Superior Courts of Common Law and Equity in Ireland. [23rd July, 1858.]

CAP. LIII.

An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts. [23rd July, 1858.]

CAP. LIV.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. [23rd July, 1858.]

CAP. LV.

An Act to revive and continue an Act amending the Act for limiting the Time of Service in the Army. [23rd July, 1858.]

CAP. LVI.

An Act to amend the Law relating to the Confirmation of Executors in Scotland, and to extend over all Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration. [23rd July, 1858.]

WHEREAS it is expedient to amend the law relating to the confirmation of executors in Scotland, and to extend over the United Kingdom the effect of such confirmation, and of grants of probate and administration: Be it enacted &c., as follows:—

1. *Practice of raising Edicts of Executory to cease.* From and after the 12th November, 1858, the practice of raising edicts of executory before the Commissary Courts in Scotland, for the decerniture of executors to deceased persons, shall cease, and it shall not be competent to any person to obtain himself decerned executor in virtue of any such edict raised subsequently to the date aforesaid.

2. *Petition to Commissary to be substituted.—Form of Petition as in Schedule (A.)* From and after the date aforesaid every person desirous of being decerned executor of a deceased person as disponee, next of kin, creditor, or in any other character whatsoever now competent, or of having some other person, possessed of such character, decerned executor to a deceased person, shall, instead of applying, as heretofore, for an edict of executory from the commissary, present a petition to the commissary for the appointment of an executor, which petition shall be in the form as nearly as may be of the schedule (A.) hereto annexed, and shall be subscribed by the petitioner or by his agent.

3. *To whom Petition to be presented.* Such petition shall be presented to the commissary of the county wherein the deceased died domiciled, and in the case of persons dying domiciled furth of Scotland, or without any fixed or known domicile, having personal or moveable property in Scotland, to the commissary of Edinburgh.

4. *Mode of intimating Petition.* Every such petition, in place of being published at the kirk door and market cross, as edicts of executory have been in use to be published, shall be intimated by the commissary clerk affixing on the door of the Commis-

sary Court House, or in some conspicuous place of the court and of the office of the commissary clerk, in such manner as the commissary may direct, a full copy of the petition, and by the keeper of the record of edictal citations at Edinburgh inserting in a book, to be kept by him for that purpose, the names and designations of the petitioner and of the deceased person, the place and date of his death, and the character in which the petitioner seeks to be decreed executor, which particulars the keeper of the record of edictal citations shall cause to be printed and published weekly, along with the abstracts of the petitions for general and special services, in the form of Schedule (B.) herunto annexed: Provided always, that to enable the keeper of the record of edictal citations to make such publication, the commissary clerk shall transmit to him the said particulars, and to enable the commissary clerk to grant the certificate after-mentioned, the keeper of the record of edictal citations shall transmit to the commissary clerk a copy, certified by the said keeper, of the printed and published particulars, all in such form and manner, and on payment of such fees, as the Court of Session by Act of Sederunt may direct.

5. *Certificate of Intimation of Petition.—Additional Intimation of Petition in certain Cases.* The commissary clerk, after receiving the certified copy of the printed and published particulars, shall forthwith certify on the petition that the same has been intimated and published, in terms of the provisions of this Act, in the form of Schedule (C.) herunto annexed; and such certificate shall be sufficient evidence of the facts therein set forth: Provided always, that where a second petition for confirmation is presented in reference to the same personal estate, the commissary shall direct intimation of such petition to be made to the party who presented the first petition.

6. *Procedure on Petition—Decree Dative—Proviso as to Caution.* On the expiration of nine days after the commissary clerk shall have certified the intimation and publication of a petition for the appointment of an executor as aforesaid, the same may be called in court, and an executor decreed, or other procedure may take place, according to the forms now in use in case of edicts of executry, and with the like force and effect; and decree dative may be extracted on the expiration of three lawful days after it has been pronounced, but not sooner: Provided always, that nothing herein contained shall alter or affect the law as to executors finding caution; and that bonds of caution for executors may be partly printed and partly written.

7. *Not to affect present Procedure.* Provided always, that nothing hereinbefore contained shall alter or affect the course of procedure now in use before the commissaries in confirmations of executors nominate.

8. *Where Inventories, &c., may be recorded—Confirmations may be granted.* Inventories of personal estates of deceased persons and relative testamentary writings may be given up and recorded in, and confirmations may be granted and issued by, any commissary court to which it is competent to apply in virtue of the provisions of this Act for the appointment of an executor dative to the deceased.

9. *Inventory may include Personal Estate in any Part of United Kingdom.* From and after the date aforesaid it shall be competent to include in the inventory of the personal estate and effects of any person who shall have died domiciled in Scotland any personal estate or effects of the deceased situated in England or in Ireland, or both: Provided that the person applying for confirmation shall satisfy the commissary, and that the commissary shall by his interlocutor find, that the deceased died domiciled in Scotland, which interlocutor shall be conclusive evidence of the fact of domicile: Provided also, that the value of such personal estate and effects situated in England or Ireland respectively shall be separately stated in such inventory, and such inventory shall be impressed with a stamp corresponding to the entire value of the estate and effects included therein, wheresoever situated within the United Kingdom.

10. *Form and Effect of Confirmations.* Confirmations shall be in the form, or as nearly as may be in the form, of schedules (D.) and (E.) herunto annexed; and such confirmations shall have the same force and effect with the like writs framed in terms of the Acts of Sederunt passed on the 20th December 1823 and the 25th February 1824, or at present in use.

11. *Oaths, before whom to be taken.* Oaths and affirmations on inventories of personal estates given up to be recorded in any commissary court may be taken either before the commissary or his depute, or before any commissioner appointed by the commissary, or before any magistrate or justice of the peace within the United Kingdom or the colonies, or any British consul.

12. *Confirmation produced in Probate Court of England, and sealed, to have the Effect of Probate or Administration.* From and after the date aforesaid, when any confirmation of the executor of a person who shall in manner aforesaid be found to have died domiciled in Scotland, which includes, besides the personal estate situated in Scotland, also personal estate situated in England, shall be produced in the principal court of probate in England, and a copy thereof deposited with the registrar, together with a certified copy of the interlocutor of the commissary finding that such deceased person died domiciled in Scotland, such confirmation shall be sealed with the seal of the said court, and returned to the person producing the same, and shall thereafter have the like force and effect in England as if a probate or letters of administration, as the case may be, had been granted by the said court of probate.

13. *Confirmation produced in Probate Court of Dublin, and sealed, to have the Effect of Probate or Administration.* From and after the date aforesaid, where any confirmation of the executor of a person who shall so be found to have died domiciled in Scotland, which includes, besides the personal estate situated in Scotland, also personal estate situated in Ireland, shall be produced in the court of probate in Dublin, and a copy thereof deposited with the registrar, together with a certified copy of the interlocutor of the commissary finding that such deceased person died domiciled in Scotland, such confirmation shall be sealed with the seal of the said court, and returned to the person producing the same, and shall thereafter have the like force and effect in Ireland as if a probate or letters of administration, as the case may be, had been granted by the said court of probate in Dublin.

14. *Probate or Letters of Administration produced in Commissary Court and certified, to have Effect of Confirmation.* From and after the date aforesaid, when any probate or letters of administration to be granted by the court of probate in England to the executor or administrator of a person who shall be therein, or by any note or memorandum written thereon signed by the proper officer, stated to have died domiciled in England, or by the court of probate in Ireland to the executor or administrator of a person who shall in like manner be stated to have died domiciled in Ireland, shall be produced in the commissary court of the county of Edinburgh, and a copy thereof deposited with the commissary clerk of the said court; the commissary clerk shall indorse or write on the back or face of such grant a certificate in the form as near as may be of the schedule (F.) herunto annexed; and such probate or letters of administration, being duly stamped, shall be of the like force and effect and have the same operation in Scotland as if a confirmation had been granted by the said court.

15. *For securing the Stamp Duties, Probates, &c., to be deemed granted for all the Property in the United Kingdom.—Inventory to include all such Property.* In any of the aforesaid cases where the deceased person shall be stated in or upon the probate or letters of administration to have been domiciled in England or in Ireland, as the case may be, such probate or letters of administration shall, for the purpose of securing the payment of the full and proper stamp duties, be deemed and considered to be granted for and in respect of the whole of the personal and moveable estate and effects of the deceased in the United Kingdom, within the meaning of the Act of Parliament passed in the 55th Geo. 3, c. 184, and of all other Acts of Parliament granting or relating to stamp duties on probates and letters of administration in England and Ireland respectively; and the affidavit required by law to be made on applying for probate or letters of administration in England or Ireland as to the value of the estate and effects of the deceased; and also where the commissary shall in manner aforesaid find that the deceased was domiciled in Scotland, the inventory required by law to be exhibited and recorded in the proper Commissary Court in Scotland before obtaining confirmation, or intermitting with or entering upon the possession or management of the personal or moveable estate or effects of the deceased in Scotland, shall respectively extend to and include the whole of the personal and moveable estate of the deceased person in the United Kingdom, and the value thereof; and the stamp duties for the time being chargeable on probates and letters of administration and on inventories respectively shall be chargeable upon any probate or letters of administration to be granted, and any inventory to be exhibited and recorded as aforesaid respectively, for and in respect of the whole of the personal and moveable estate and effects of the deceased in the United Kingdom and the value thereof; and the said affidavit shall also separately specify the value of the said estate and effects in Scotland.

16. *Provisions of former Acts to apply to the Probates, Letters*

of Administration, and Inventories mentioned in this Act.] For the purpose aforesaid, and also for granting relief where too high a stamp duty shall have been paid on any such probate or letters of administration, or inventory, the provisions contained in ss. 40, 41, 42, 43, of the said Act passed in the 55th Geo. 3, relating to probates and letters of administration granted in England, and the like provisions in the Act passed in the 56th Geo. 3, c. 56, relating to probates and letters of administration granted in Ireland, and the provisions contained in the Act passed in the 48th Geo. 3, c. 149, relating to inventories in Scotland, and also all other provisions contained in the said Acts respectively, or in any other Act or Acts relating to probates and letters of administration and inventories respectively, shall apply to the probates and letters of administration to which effect is given by this Act, and to the whole of the personal and moveable estate of the deceased for or in respect of which the same shall, in pursuance of this Act, be deemed to be granted, wheresoever situate in the United Kingdom; and also to the inventories in which the whole of the personal and moveable estate of the deceased, wheresoever situate in the United Kingdom, ought, in pursuance of this Act, to be included, in as full and ample a manner as if all such provisions were herein enacted in reference to such probates, letters of administration, and inventories respectively.

17. *Affidavit as to Domicile to be made on applying for Probate or Administration.*] Provided, that in any case where, on applying for probate or letters of administration, it shall be required to be stated as aforesaid that the deceased was domiciled in England or in Ireland, the affidavit so as aforesaid required by law shall specify the fact according to the deponent's belief, which shall be sufficient to authorise the same to be so stated in or upon the probate or letters of administration; Provided also, that any such statement, and the interlocutor of the commissary finding that the deceased was domiciled in Scotland, shall be evidence, and have effect for the purposes of this Act only.

18. *Acts of Sederunt to be passed for following out Purposes of this Act.*] It shall be competent to the court of session, and they are hereby authorised and required, from time to time, to pass such Acts of Sederunt as shall be necessary and proper for regulating in all respects the proceedings under this Act before the commissary of Edinburgh and other commissaries in Scotland, and following out the purposes of this Act, and also the fees to be paid to agents before the said courts, and to the commissary clerks and other officers of court, and the expense of publication of petitions.

19. *Former Acts of Sederunt repealed if inconsistent with this Act.*] All former Acts, and Acts of Sederunt made in virtue thereof, so far as inconsistent with the present Act, are hereby repealed; and this Act may be amended or repealed by any Act to be passed during the present session of Parliament, and may be cited as the "Confirmation and Probate Act, 1858."

20. *Interpretation of Terms.*] The word "commissary" shall include commissary depute, and the term "commissary clerk" shall include commissary clerk depute.

SCHEDULES to which the foregoing Act refers.

(A.)

Form of a Petition for Appointment of an Executor to a deceased Person.
Unto the Honourable the Commissary of [specify the County], the petitioner A. B. [here name and design the petitioner];

Humbly sheweth,

That the late C. D. [here name and design the deceased person to whom an executor is sought to be appointed] died at [specify place] on or about the [specify date], and had at the time of his death his ordinary or principal domicile in the county of [specify county], or "further of Scotland," or "without any fixed domicile," or "without any known domicile," as the case may be.

That the petitioner is the only son and next of kin [or state what other relationship, character, or title the petitioner has, giving him right to apply for the appointment of executor].

May it therefore please your Lordship to depute the petitioner executor dative quā next of kin to the said C. D. [or state the other character in which the petitioner claims to be appointed executor].

According to justice, &c.

[Signed by the petitioner or his agent.]

(B.)

Roll of Petitions for the Appointment of Executors in Commissary Courts in Scotland.

County.	Name and Designation of Petitioner.	Title of Petitioner.	Name and Designation of Defunct.	Place and Date of Death.
Edinburgh.	A. B., Writer in Edinburgh.	Next of kin.	C. D., Merchant in Edinburgh.	No. George-st., Edinburgh, 1st Jan., 1857.

(C.)

Form of Certificate by Commissary Clerk of Publication of a Petition for the Appointment of an Executor.

I, A. B., Commissary Clerk [or "Commissary Clerk Depute," as the case may be] of the county of [specify county], hereby certify that this petition was intimated by affixing a copy thereof on the door of the court-house [or some other place has been directed by the commissary, specify if], on the [specify date], and by being published by the Keeper of the Record of Edificial Clations at Edinburgh, in the printed roll of petitions for the appointment of executors in the commissary courts of Scotland, printed and published on [specify date].

(D.)

Form of a Testament Dative or Confirmation of the Executor of a Person who has died without naming one.

I, A. B., commissary of the county of [specify county], considering that by my decree, dated [specify date], I decreed C. D. executor dative quā next of kin [or other character, as the case may be] of the late E. F., who died at [specify place], on [specify date], and seeing that the said C. D. has since given up on oath an inventory of the personal estate and effects of the said E. F., at the time of his death situated in Scotland [or situated in Scotland and England, or in Scotland and Ireland, or in Scotland, England, and Ireland, as the case may be], amounting in value to — pounds, which inventory has been recorded in my court books, of date [specify date], and that he has likewise found caution for his acts and intromissions as executor. Therefore I, in her Majesty's name and authority, make, constitute, ordain, and confirm the said C. D. executor dative quā [specify character] to the defunct, with full power to him to uplift, receive, administer, and dispose of the said personal estate and effects, and grant discharges thereof, if needful to pursue therefor, and generally every other thing concerning the same to do that to the office of executor dative quā [specify character] is known to belong; providing always, that he shall render just count and reckoning for his intromissions therewith when and where the same shall be legally required.

Given under the seal of office of the commissariat [specify county], and signed by the clerk of court at [specify place], the [specify date].

To be signed by the commissary clerk or his depute, and sealed with the seal of office.

(E.)

Form of a Testament Testamentar or Confirmation of an Executor Nominatus.

I, A. B., commissary of the county of [specify county], considering that the late C. D. died at [specify place], upon [specify date], and that by his last will [or other writing containing the nomination of executor], dated [specify date], and recorded in my court books upon [specify date], the said C. D. nominated and appointed E. F. to be his executor, and that the said E. F. has given up on oath an inventory of the personal estate and effects of the said C. D. at the time of his death situated in Scotland [or situated in Scotland and England, or situated in Scotland and Ireland, or situated in Scotland, England, and Ireland, as the case may be], amounting in value to — pounds, which inventory has likewise been recorded in my court books of date [specify date]: Therefore I, in her Majesty's name and authority, ratify, approve, and confirm the nomination of executor contained in the foresaid last will [or other writing containing the nomination of executor]; and I give and commit to the said E. F. full power to uplift, receive, administer, and dispose of the said personal estate and effects, grant discharges thereof, if needful to pursue therefor, and generally every other thing concerning the same to do that to the office of an executor nominatus is known to belong; providing always, that he shall render just count and reckoning for his intromissions therewith when and where the same shall be legally required.

Given under the seal of office of the commissariat of [specify county], and signed by the clerk of court at [specify place], the [specify date].

To be signed by the commissary clerk or his depute, and sealed with the seal of office.

(F.)

I, A. B., commissary clerk [or commissary clerk depute] of the county of Edinburgh, hereby certify that this grant of probate has [or these letters of administration have] been produced in the commissary court of the said county, and that a copy thereof has been deposited with me.

CAP. LVII.

An Act to amend the Act of the Fifth and Sixth Years of Her present Majesty, for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years.

[23rd July, 1858.]

WHEREAS an Act was passed, 5 & 6 Vict. c. 108, intitled "An Act for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years:" And whereas it is expedient that the said Act should be amended: Be it therefore enacted, &c., as follows:—

1. *Leases under 5 & 6 Vict. c. 108, may be granted in consideration of Premiums; and Sales or Exchanges of Lands may be effected in certain Cases.* In any case in which it shall be made to appear to the satisfaction of the Ecclesiastical Commissioners for England that all or any part of the lands, houses, mines, minerals, or other property of or belonging to any ecclesiastical corporation, which are by the said Act authorised to be leased, might, to the permanent advantage of the estate or endowments belonging to such corporation, be leased in any manner, or be sold, exchanged, or otherwise disposed of, it shall be lawful for any ecclesiastical corporation, aggregate or sole, except as in the said Act is excepted, from time to time, with such consents as in the said recited Act mentioned, and with the approval of the said commissioners, to be testified by deed under their common seal, to lease all or any part or parts of the lands, houses, mines, minerals, or other property belonging to such corporation, whether the same shall

or shall not have been previously leased or dealt with under the provisions of the said recited Act or of this Act, and either in consideration or partly in consideration of premiums or not, or for such other considerations, and for such term or terms, and under and subject to such covenants, stipulations, conditions, and agreements on the part of the lessee or lessees, and generally in such manner as the said commissioners shall under the circumstances of each case think proper and advisable; and also with the like consents as are by the said recited Act required to the granting of a lease (other than and except the consent of the lord of a manor thereby required in regard to a lease of copyhold hereditaments), and with the approval of the said commissioners, to be testified as aforesaid, absolutely to sell or convey in exchange or by way of partition, or otherwise dispose of all or any part or parts of such lands, houses, mines, minerals, and other property, whether the same shall have been previously leased under the provisions of this Act or the said recited Act or not, for such equivalent, either in money, or in lands, tenements, or hereditaments, or partly in money and partly in lands, tenements, or hereditaments, or for such other considerations or purposes, as the said commissioners shall deem reasonable and proper, and on every or any such exchange or partition to give or receive, in such manner as is hereinafter mentioned, any sum or sums of money by way of equality of exchange or partition: Provided always, that no such sale by the incumbent of a benefice as is above mentioned shall be authorised by the said commissioners, unless three months notice in writing of such proposed sale shall have been given to the bishop of the diocese in which the benefice is situate.

2. *Application of Moneys produced by Sales, &c.* [All sums of money which shall be payable by way of premium on the granting of any such lease, and all rents, royalties, and other reservations to be reserved or made payable by any such lease of any mines, minerals, quarries, or beds, and all moneys to arise on any such sale, or to be received on any such exchange or partition, shall be payable and paid to the said commissioners as if they were the sole lessors or vendors of the property leased or sold in consideration thereof, and the receipt of the treasurer or treasurers of the said commissioners for the time being shall be a good and sufficient discharge for the consideration for any property so sold, and the purchaser shall not be bound to see to the application of such consideration when so paid; or such moneys, or any part thereof may, with the approval of the said commissioners, be permitted to remain charged by way of mortgage to the said commissioners upon the premises so leased, sold, or conveyed in exchange or partition, at such rate of interest, for such period, and upon such terms as the parties, with such approval, may agree upon; and on such mortgage being discharged the money thereby secured shall be paid to the said commissioners as aforesaid; and all such sums of money so to arise or be received as aforesaid, after payment of the expenses incident to the transaction in respect of which the same became payable, shall, at such time or times as the commissioners may think proper, be laid out by them in the purchase of other lands, houses, and hereditaments convenient to be held by the corporation in whose behalf the same shall have been received; and the lands, houses, and hereditaments so to be purchased, and also the lands, houses, and hereditaments which shall be received on any such exchange or partition as aforesaid, shall be conveyed and assured in such form and manner that the same may become the property of and be vested in such last-mentioned ecclesiastical corporation for ever, and shall be subject to all the same powers and provisions as the hereditaments from the leasing, selling, exchanging, or partitioning of which the money wherewith the same were purchased would have been subject if no such lease, sale, exchange, or partition had been made, except so far as is otherwise provided by this Act, the Statute of Mortmain or any other Act or rule of law to the contrary notwithstanding; and until the money so to arise or be produced or received as aforesaid shall be laid out in such purchase, the same shall be invested, as soon as conveniently may be after the same shall have been carried to account in the books of the said commissioners, in the names of the said commissioners for the time being in the public stocks or funds, and the dividends thereof shall be paid to the person or persons to whom the rents and profits of the said hereditaments to be purchased would go or belong in case such purchase were actually made.

3. *Power to raise Money to be paid for Equality of Exchange or Partition.* [For the purpose of raising any sum or sums of money which may be agreed to be paid for equality of exchange or partition, or for the purchase of any freehold land, or of any outstanding leasehold interest in land, belonging to any ecclesiastical corporation, over and above the money then be-

longing to such corporation and available for any such purpose as aforesaid, it shall be lawful for every such corporation, with such approval and consents as aforesaid, to borrow the same upon the security and to execute a mortgage or mortgages of all or any part or parts of the hereditaments belonging to such corporation, for any term or terms of years, redeemable on payment of the principal sum or sums so borrowed, with interest for the same; and the principal money so secured may be discharged out of any principal monies belonging or accruing to such corporation under the said recited Act or this Act or otherwise.

4. *Power to enter into and vary Contracts and accept Surrenders.* [For all or any of such purposes as aforesaid, it shall be lawful for every such ecclesiastical corporation, with such approval and consents as aforesaid, from time to time to enter into, make, and execute such contracts and agreements, and to grant such licences or permissions to search for mines, and such other powers preliminary to or consequent upon any such contract, and also to alter, vary, or rescind the same, and accept surrenders of any lease or leases, and release any lessee or lessees in respect of breaches of covenant, in such manner and for such considerations as to the said commissioners shall appear advisable; and the lands with respect to which any contract shall be abandoned or surrender taken shall be subject to all the powers and provisions of the said recited Act and of this Act; and all contracts and agreements so entered into by any person as aforesaid in his corporate capacity shall be binding upon his successors, and may be enforced against them.

5. *Provision for Payment of Expenses of Leases.* [Any ecclesiastical corporation as aforesaid, with the approval of the said commissioners, may charge the amount of the expenses to be incurred in carrying into effect any of the provisions of the said recited Act or of this Act on any lands, tenements, or hereditaments belonging to such corporation, but so nevertheless that the charge upon such lands shall be lessened in every year following by one twentieth part at the least of the whole original charge thereon.

6. *This Act not to interfere with the Act 14 & 15 Vict. c. 104.* [Provided always, that no sale, exchange, or partition shall be made under the provisions of this Act of any lands or hereditaments held so, as to be capable of being sold, enfranchised, or conveyed in exchange, according to the provisions of the 14 & 15 Vict. c. 104, so long as any of the powers contained in the said Act for sale, enfranchisement, or exchange shall remain in force with reference to such lands or hereditaments.]

7. *This Act not to repeal Powers under former Acts.* [Provided also, that nothing in this Act contained shall repeal any of the powers or authorities vested in the said commissioners by an Act of 6 & 7 Vict., intitled "An Act to make Better Provision for the Spiritual Care of Populous Parishes," or in any other Act relating to the Ecclesiastical Commissioners for England, with respect to or over lands, tithes, rents, charges, tenements, and other hereditaments vested or liable to be vested in them, or to repeal or alter any of the powers or authorities contained in any of the Acts now in force for or relating to the enfranchisement of copyholds, or in any of the Acts for the inclosure of commons or other lands or grounds, or in any of the Church Building Acts, so far as any of such powers or authorities apply to or affect the estates of ecclesiastical corporations; but the powers and authorities contained in this Act shall be considered cumulative or alternative to the powers and authorities contained in the said several other Acts hereinbefore referred to.

8. *On Sale or Purchase of Part of Estate held under a Lease the Rent to be apportioned.* [Upon the sale or purchase on behalf of any ecclesiastical corporation of the estate or interest of any lessee in a part only of the lands comprised in any lease, whereby the leasehold interest in the land so sold or purchased shall become extinguished in the reversion, it shall be lawful for the said commissioners, by a memorandum in writing under their common seal, which may be indorsed on such lease, to apportion the rent reserved thereby, and declare what part thereof shall continue payable thereunder, and thereupon such apportioned part of the rent shall be payable as if the same had been the rent originally reserved in respect of the lands not sold or purchased; and such apportionment shall be valid and binding upon or against all persons interested in such last-mentioned lands; and where the rent originally reserved was an ancient and accustomed rent, the part so continuing payable shall be deemed and taken to be the ancient and accustomed rent for the lands not sold or purchased, and the reservations, covenants, and agreements contained in such lease, and the powers and authorities of any such ecclesiastical corporation, so far as the same

shall be applicable to the lands not sold or purchased, shall remain in full force, as if such sale or purchase had not been made.

9. *No Lease to be granted of Land acquired under the Act, except at Rack-rent.* No lease of any lands purchased or acquired, or in which the estate or interest of a lessee, or of a holder of copyhold or customary land, shall be purchased or acquired by any ecclesiastical corporation under this Act, shall (except under the express power contained in the said recited Act of the 5 & 6 Vict., or in this Act) be made or granted otherwise than from year to year, or for a term of years in possession, not exceeding fourteen years, at the best annual rent that can be reasonably gotten, without fine, and the lessee not to be made dispensable for waste or exempted from liability in respect of waste.

10. *Improved Value of Dignities, Offices, and Benefices to be paid to Commissioners.* All the clauses contained in the said first-recited Act respecting improvements in the annual value of any dignity, office, or benefice by means of any lease granted under that Act, shall extend and apply to any improvement of income which may accrue by means of any lease, sale, exchange, partition, purchase, or investment to be granted or made under the provisions of this Act; save and except that with respect to all improvements of income which have accrued or shall accrue to any benefice under the provisions of the said recited Act or this Act it shall be lawful, by the authority in the said recited Act mentioned, and subject to the like notice being given to the patron or patrons of such benefice as is by the said Act required, at any time or times after the commencement of such improvement, and notwithstanding the period of three years limited by the said Act may have expired, to direct, that, from such time (not operating retrospectively, nor so as to affect the incumbent in possession at the time of the granting of any such lease) as shall be fixed by the said commissioners, such portion of the improved income as the said commissioners shall deem expedient shall be paid to the said commissioners, to be applied according to the directions in that behalf contained in the said Act; and also save and except that the clause No. 14 of the said Act, intituled in the margin thereof "Portion of Improved Value under Mining Leases to be paid to Commissioners," shall be, and the same is, so far as it relates to any lease to be hereafter granted by any rector, vicar, or incumbent of any other benefice with cure of souls, hereby repealed.

11. *Sect. 18 of 5 & 6 Vict. c. 108, repealed.* The clause No. 18 of the said recited Act, intituled in the marginal note "Survivor to make Valuation, &c., when a new Lease is intended," shall be and the same is hereby repealed.

12. *Other Clauses not hereby repealed incorporated in this Act.* All the several clauses and provisions contained in the said recited Act of the 5 & 6 Vict. which are not by this Act expressly or by necessary implication repealed, so far as the same are applicable, and are not modified by this Act, or inconsistent with the provisions thereof, shall be incorporated with and be construed as forming part of this Act.

13. *Short Titles.* In citing the said recited Act of the 5 & 6 Vict., or this Act, in any other Act of Parliament, or in any legal instrument, it shall be sufficient to use the expression "The Ecclesiastical Leasing Acts," or "The Ecclesiastical Leasing Act, 1842," or "The Ecclesiastical Leasing Act, 1858," as the case may be.

14. *Act to extend only to England and Wales, Isle of Man, &c.* This Act shall extend only to that part of the United Kingdom called England and Wales, and to the Isle of Man, and to the islands of Guernsey, Jersey, Alderney, and Sark.

CAP. LVIII.

An Act for the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of Stanhope and Wolsingham, in the County of Durham, belonging to the respective Rectors thereof, subject to the existing Incumbencies, and for making other Provisions for the Endowment of the said Rectories in lieu thereof, and for other Purposes connected therewith. [23rd July, 1858.]

CAP. LIX.

An Act further to amend the Law relating to the Erection and Endowment of Churches, Chapels, and Perpetual Curacies in Ireland. [23rd July, 1858.]

CAP. LX.

An Act to amend the Joint Stock Companies Acts, 1856 & 1857, and the Joint Stock Banking Companies Act, 1857. [23rd July, 1858.]

WHEREAS, by the 19th sect. of "The Joint Stock Companies Act, 1857," [20 & 21 Vict. c. 14], it is amongst other

things provided, that where a company is in course of being wound up voluntarily, and proceedings are taken for having the same wound up by the Court, the Court may, instead of making an order that the company should be altogether wound up by the Court, direct that the voluntary winding-up should continue, but subject to such supervision of the Court, and with such liberty for creditors, contributories, and others to apply to the Court, and generally upon such terms and subject to such conditions, as the Court thinks just: And whereas it is expedient to make further provision for enabling companies to be wound up in manner directed by the said 19th section: And whereas it is expedient to explain and amend the Acts hereinafter referred to as the Joint Stock Companies Acts, that is to say, "The Joint Stock Companies Act, 1856," "The Joint Stock Companies Act, 1857," and "The Joint Stock Banking Companies Act, 1857," Be it enacted &c., as follows:—

1. *Short Title.* This Act may be cited for all purposes as "The Joint Stock Companies Amendment Act, 1858," and it shall be included in the expression "Joint Stock Companies Acts" as hereinafter used, unless there is something in the context inconsistent with its being so included.

2. *Petition for winding-up, subject to Supervision.* A petition praying wholly or in part that a voluntary winding-up may continue, subject to the supervision of the Court, shall, for the purpose of giving jurisdiction to the Court over suits and actions, and over the appointment of a receiver, be deemed to be a petition for winding-up the company by the Court; and in determining whether a company is to be wound up altogether compulsorily or under the provisions of the said 19th section, the Court may have regard to the wishes of the majority in number and value of the creditors as proved to it by any sufficient evidence.

3. *Power of Court in proceeding under Sect. 19 of 20 & 21 Vict. c. 14, to appoint additional Liquidators.* Where any order is made by the Court, in pursuance of the said 19th section, for the continuance of a voluntary winding-up, the Court may in such order or in any subsequent order appoint any additional liquidator or liquidators; and any liquidator or liquidators so appointed by the Court shall have the same powers, be subject to the same obligations, and in all respects stand in the same position as if they had been appointed by the company: The Court may from time to time remove any liquidator or liquidators so appointed by the Court, and fill up any vacancy occasioned by such removal, or by the death or resignation of any such liquidator or liquidators: The Court shall in the appointment of a liquidator or liquidators, under this section consult any creditor or classes of creditors it may think expedient to consult, for the purpose of ascertaining what appointments are most for the interest of the creditors.

4. *Effect of Order of Court under the said 19th Section.* Where an order is made by the Court, in pursuance of the said 19th section, for the continuance of a voluntary winding-up, the liquidators appointed to conduct such winding-up may, subject to any order made by the Court, exercise all powers given to them, without the intervention of the Court, in the same manner as if the company were being wound up altogether voluntarily; but, save as aforesaid, any order made by the Court, in pursuance of the said 19th section, for the continuance of a voluntary winding-up, shall, for all purposes, including the application of any provision relating to fraudulent preference, be deemed to be an order of the Court for winding-up the company by the Court, and shall confer full authority on the Court to make calls, or to enforce calls made by the liquidators, and to exercise all other powers which it might have exercised of its own motion, or on the application of the official liquidators, if an order had been made for winding-up the company altogether by the Court.

5. *In compulsory Winding-up, or Continuance of voluntary Winding-up, by Decree or Order, Contributories may be decreed to pay Calls.* Where an order, interlocutor, or decree has been made in Scotland for winding-up a company compulsorily, or where an order, interlocutor, or decree has been made in pursuance of the said 19th section for the continuance of a voluntary winding-up, it shall be competent to the Court in Scotland during session, and to the Lord Ordinary on the bills during vacation, on production by the liquidators of a list certified by them of the names of the contributories liable in payment of any calls which they may wish to enforce, and of the amount due by each contributory respectively, and of the date when the same became due, to pronounce forthwith a decree against such contributories for payment of the sums so certified to be due by each of them respectively, with interest from the said date till payment at the rate of £5 per cent. per

annum, in the same way and to the same effect as if they had severally consented to registration for execution, on a charge of six days, of a legal obligation to pay such calls and interest; and such decree may be extracted immediately, and no suspension thereof shall be competent, except on caution or consignment, unless with special leave of the Court or Lord Ordinary.

6. *Actions and Suits to be stayed.*] Where an order has been made for winding up a company compulsorily, or where an order has been made, in pursuance of the said 19th section, for the continuance of a voluntary winding-up, no suit, action, or other legal proceeding shall be proceeded with or commenced against the company or the public officer thereof, or any member of the company in respect of a debt of the company, except with the leave of the Court, and subject to such terms as the Court may impose.

7. *Inspection of Books.*] Where an order has been made for winding up a company compulsorily, or where an order has been made, in pursuance of the said 19th section, for the continuance of a voluntary winding-up, the Court may make such order as it thinks just as to the inspection by the creditors and contributories of books and papers of the company, and such books and papers may be inspected by creditors or contributories, in conformity with such order of the Court, but not further or otherwise.

8. *Appointment of voluntary Liquidators as official Liquidators.*] Where an order has been made in pursuance of the said 19th section for the continuance of the voluntary winding-up, and such order is afterwards superseded by an order directing the company to be wound up compulsorily, the Court may in such last-mentioned order, or in any subsequent order, appoint the voluntary liquidators, or any of them, either provisionally or permanently, and either with or without the addition of any other persons, to be official liquidators.

9. *Power of Court to give Discretion to Official Liquidators.*] Where the Court makes an order for winding up a company compulsorily, it may, if it thinks fit, provide by that or any subsequent order that the official liquidators may exercise any specified powers without the intervention of the Court.

10. *General Scheme of Liquidation may be sanctioned by Court.*] Where an order has been made for winding up a company compulsorily, or where an order has been made, in pursuance of the said 19th section, for the continuance of a voluntary winding-up, the liquidators may, with the sanction of the Court, and upon such notice to creditors as to the Court shall seem fit, at any stage of the winding-up, pay any classes of creditors in full, or make such other arrangement with creditors as the Court may sanction; and any general or partial scheme of liquidation, if approved of by the Court, shall be binding on all the creditors and contributories of the company.

11. *Reservation of Practice under old Winding-up Acts.*] The practice hitherto in use in the Court of Chancery in England in winding up companies, under "The Joint Stock Companies Winding-up Act, 1848," and "The Joint Stock Companies Winding-up Act, 1849," including the service of summonses, notices, and other documents by post, and including the payment of a per-centage in lieu of fees to the suitors' fee fund, the non-entry of orders at the registry office, and all powers and jurisdictions given to the said Court of Chancery by the said Acts, and not conferred by the Joint Stock Companies Acts, shall be applicable to the winding-up under the said Joint Stock Companies Acts of companies by the Court of Chancery and Courts of Bankruptcy in England, until rules for regulating such winding-up are made in pursuance of the powers for that purpose given by the said Joint Stock Companies Acts; and the Courts of Chancery and Courts of Bankruptcy in England may adopt such practice, powers, and jurisdictions, to the same extent as if the companies were being wound up under "The Joint Stock Companies Winding-up Act, 1848," and "The Joint Stock Companies Winding-up Act, 1849;" and in the case of companies engaged in working any mines within and subject to the jurisdiction of the Stannaries, and registered under the Joint Stock Companies Acts, 1856, 1857, the like practice, powers, and jurisdiction may, by rules to be made under the 98th section of "The Joint Stock Companies Act, 1856," be adopted and exercised by the court and vice-warden of the Stannaries, so far as such practice, powers, and jurisdiction are or can be made applicable to that Court.

12. *Order made in England to be enforced in Ireland and Scotland.*] Any order made by the Court in England for or in the course of the winding-up of a company under the Joint

Stock Companies Acts shall be enforced in Scotland and Ireland in the Courts that would respectively have had jurisdiction in respect of such company if the registered office of the company had been established in Scotland or Ireland, and in the same manner in all respects as if such order had been made by the Courts that are hereby required to enforce the same; and in like manner orders, interlocutors, and decrees made by the Court in Scotland for or in the course of the winding-up of a company shall be enforced in England and Ireland, and orders made by the Court in Ireland for or in the course of winding-up a company shall be enforced in England and Scotland, by the Courts which would respectively have had jurisdiction in the matter of such company if the registered office of the company were established in the division of the United Kingdom where the order is required to be enforced, and in the same manner in all respects as if such order had been made by the Court required to enforce the same in the case of a company within its own jurisdiction.

13. *Mode of dealing with Orders to be enforced by other Courts.*] Where any order, interlocutor, or decree made by one Court is required to be enforced by another Court, as hereinafter provided, an office copy of the order, interlocutor, or decree so made shall be produced to the proper officer of the Court required to enforce the same, and the production of such office copy shall be sufficient evidence of such order, interlocutor, or decree having been made; and thereupon such last-mentioned Court shall cause such order, interlocutor, or decree to be registered, or shall take such other steps in the matter as may be requisite for enforcing such order, interlocutor, or decree, in the same manner as if it were the order, interlocutor, or decree of the Court enforcing the same.

14. *Power for Liquidators in voluntary Winding-up to apply to Court for Aid.*] Where a company is being wound up altogether voluntarily, the liquidators may apply to the Court, or to the Lord Ordinary on the bills in Scotland in time of vacation, by petition, motion, the presentation of a special case, or in such other manner as the Court may direct, to determine any question arising in the matter of such winding-up, or to exercise, as respects the enforcing any calls, or in respect of any other particular matter, all or any of the powers which the Court might exercise if the company were being wound up compulsorily; and the Court, or Lord Ordinary in the case aforesaid, if satisfied that the determination of such question or the required exercise of power will be just and beneficial, may accede, wholly or partially, to such application, upon such terms and subject to such conditions as the Court thinks fit, or it may make such other order, interlocutor, or decree on such application as the Court thinks just.

15. *Power of Company to fill up Vacancies in Liquidators.*] Where any company is being wound up altogether voluntarily, or is being wound up subject to the provisions of the said 19th section, the company in general meeting may fill up any vacancy occasioned by the death or resignation of any liquidator or liquidators appointed by the company.

16. *Power for Liquidators to invest.*] In case of any company being wound up compulsorily, the liquidators may invest any moneys for the time being in their hands, or standing to their credit in the Bank of England, arising from such winding-up, in Government securities, including Exchequer Bills.

17. *Manner of making a Call.*] In fixing the amount payable by any contributory, in pursuance of the Joint Stock Companies Acts, or any of them, he shall be debited with the amount of all debts due from him to the company, including the amount of the call, and shall be credited with all sums due to him from the company on any independent contract or dealing between him and the company, and the balance, after making such debit and credit as aforesaid, shall be deemed to be the sum due.

18. *Calls proveable against Bankrupts' or Insolvents Estates.*] All calls made or to be made on any shareholder or contributory, in pursuance of any of the Joint Stock Companies Acts, shall, in the event of such shareholder or contributory becoming bankrupt or insolvent, be proveable against his estate.

19. *Section 16 of 20 & 21 Vict. c. 14, repealed, and this Section to be substituted.*] The 16th section of "The Joint Stock Companies Act, 1857," shall be repealed; and in lieu thereof be it enacted as follows: The liquidators shall have power to compromise all calls and liabilities to calls, debts, and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained, or sounding only in damages, subsisting or supposed to subsist between the company and any contributory or alleged contributory, or other

debtor or person apprehending liability to the company, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon, with power for the liquidators to take any security for the discharge of such debts or liabilities, and to give complete discharges in respect of all or any such calls, debts, or liabilities; subject to the proviso, that where an order has been made by the Court for winding-up a company compulsorily, or where an order has been made, in pursuance of the said 19th section, for the continuance of a voluntary winding-up, no such compromise shall be made, except in accordance with the directions of the Court, as expressed generally in any order made by the Court, or as given in each particular case, and after giving such notice to creditors, or any portion of them, as the Court shall direct; and that where a company is being wound up altogether voluntarily no such compromise shall be effected, except with the sanction of a special resolution of the company, or of a general or particular power delegated to the liquidators by a special resolution.

20. *Prosecution of delinquent Directors in the Case of compulsory or Continuance of voluntary Winding-up.* Where any order is made for winding-up a company compulsorily, or for the continuance of a voluntary winding-up, subject to the provisions of the said 19th section, if it appear in the course of such winding-up that any past or existing director, manager, public officer, or member of such company, has been guilty of any offence in relation to the company for which he is criminally responsible, the Court may, on the application of any person interested in such winding-up, or of its own motion, direct the official liquidators, or the liquidators (as the case may be), to institute and conduct a prosecution or prosecutions for such offence, and to order the costs and expenses to be paid out of the assets of the company.

21. *Prosecution of delinquent Directors, &c., in case of voluntary Winding-up.* Where a company is being wound up altogether voluntarily, if it appear to the liquidators conducting such winding-up that any past or existing director, manager, public officer, or member of such company, has been guilty of any offence in relation to the company for which he is criminally responsible, it shall be lawful for the liquidators, with the previous sanction of the Court, to prosecute such offender, and all expenses properly incurred by them in such prosecution shall be payable out of the assets of the company in priority to all other liabilities.

22. *Application of Act to existing Winding-up.* This Act shall apply in cases where an order has been already made for winding-up a company compulsorily, or where an order has been made, in pursuance of the 19th section, for the continuance of a voluntary winding-up, or where a company is in the course of being wound up altogether voluntarily.

23. *Companies may register for Purposes of winding-up.* Any company or copartnership, consisting of seven or more persons, having by its constitution a capital of fixed amount, divided into shares, also of fixed amount, if it legally carried on the business of banking previously to "The Banking Companies Act, 1857," is entitled to register itself or to continue registered under "The Joint Stock Banking Companies Act, 1857," for the purpose of winding-up under that Act, and if it legally carried on any other business than banking, except that of insurance, previously to the passing of "The Joint Stock Companies Act, 1856," is entitled to register itself or to continue registered under "The Joint Stock Companies Act, 1856," or the Joint Stock Companies Acts, 1856, 1857, for the purpose of winding-up under those Acts.

24. *Application of Act to other Acts.* This Act shall extend to the provisions of the Joint Stock Companies Acts, 1856, 1857, incorporated with "The Joint Stock Banking Companies Act, 1857."

CAP. LXI.

An Act to authorise the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners of England and Wales.

[2nd August, 1858.]

CAP. LXII.

An Act to continue certain Acts to prevent the Spreading of Contagious or Infectious Diseases among Sheep, Cattle, and other Animals.

[2nd August, 1858.]

CAP. LXIII.

An Act to continue certain Turnpike Acts in Great Britain.

[2nd August, 1858.]

CAP. LXIV.

An Act to make further Provision for the Practice of Vaccination in Ireland.

[2nd August, 1858.]

CAP. LXV.

An Act to amend an Act of the last Session, to render more effectual the Police in Counties and Burghs in Scotland.

[2nd August, 1858.]

CAP. LXVI.

An Act to amend the Act of the Ninth & Tenth Years of her present Majesty, c. 39, and to abolish Foot-passenger Tolls on Chelsea Bridge after Payment of the sum of £80,000 and Interest.

[2nd August, 1858.]

CAP. LXVII.

An Act to repeal certain Enactments requiring Returns to be made to One of the Secretaries of State.

[2nd August, 1858.]

WHEREAS certain of the returns now required to be made to one of her Majesty's principal secretaries of state, which entail charges on local funds, have become unnecessary: Be it enacted &c., as follows:—

1. From and after the passing of this Act the following enactments requiring returns to be made or transmitted to one of her Majesty's principal secretaries of state shall be repealed (that is to say):—

1. 4 Geo. 4, c. 64, s. 24, and 2 & 3 Vict. c. 56, s. 10—*Prisons Report.* Sect. 24 of 4 Geo. 4, c. 64, for consolidating and amending the laws relating to the building, repairing, and regulating of certain gaols and houses of correction in England and Wales, and s. 10 of 2 & 3 Vict. c. 56, for the better ordering of prisons.

2. 5 & 6 Will. 4, c. 76—*Borough Police Returns.* So much of s. 86 of the 5 & 6 Will. 4, c. 76, as enacts that the watch committee of every borough shall transmit quarterly to one of her Majesty's principal secretaries of state a report of the number of men appointed to act as constables or policemen in such borough, and of the description of arms, accoutrements, and clothing, and other necessities furnished to each man, and of the salaries, wages, and allowances payable to such constables or policemen, and of the number and situation of all station-houses in such borough.

3. 2 & 3 Vict. c. 71, s. 15—*Police Courts Returns.* So much of s. 15 of the 2 & 3 Vict. c. 71, as requires an abstract to be furnished to one of her Majesty's principal secretaries of state, of all reports furnished for the use of the quarterly meetings of magistrates therein mentioned.

4. 7 & 8 Vict. c. 101—*Bastardy Returns.* Sect. 11 of the 7 & 8 Vict. c. 101.

5. 10 & 11 Vict. c. 82—*Juvenile Offenders Returns.* So much of s. 11 of the 10 & 11 Vict. c. 82, as enacts that the clerks of the peace of every county, borough, liberty, or place, shall transmit to one of her Majesty's principal secretaries of state a monthly return of the names, offences, and punishments of all persons convicted under the provisions of that Act, with such other particulars as may from time to time be required.

CAP. LXVIII.

An Act to amend the Law concerning detached Parts of Counties.

[2nd August, 1858.]

WHEREAS, by the Act 2 & 3 Vict. c. 93, "For the Establishment of County and District Constables by the Authority of Justices of the Peace," it was enacted, that, for the purposes of that Act, all detached parts of counties should be considered as forming part of that county by which they were surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which they had the longest common boundary, and so much of every such detached part of any county which was not of itself an entire hundred, wapentake, ward, rape, lathe, or such other division of a county, should be considered as forming part of that hundred, ward, wapentake, rape, lathe, or such other division whereby it should be surrounded, in the county of which it should be considered a part, for the purposes of that Act, or if partly surrounded by two or more hundreds, wapentakes, wards, rapes, lathes, or such other divisions, then as forming part of that one with which it should have the longest common boundary: And whereas by the Act 3 & 4 Vict. c. 88, to amend the firstly herein recited Act, it was enacted, that it should be lawful for the justices of any two or more neighbouring counties, in their several general or quarter sessions assembled, from time to time to agree that such parts of their several counties as to them should seem fit should for the purposes of the firstly herein recited Act be considered as forming part of any other of the said counties; and whenever any such district should be so transferred for the purposes

of the said Act from one county to another, with the consent of the justices of both the last-mentioned counties, such district should be considered for the purposes of the said Act as if it were detached from the county to which it belonged, and wholly surrounded by the county to which it was so transferred: And whereas by the Act 7 & 8 Vict. c. 61, it was enacted, that every part of any county in England or Wales which was detached from the main body of such county should be considered for all purposes as forming part of that county of which it was considered a part for the purposes of the election of members to serve in Parliament as knights of the shire, under the provisions of an Act passed in the 3rd year of the reign of his late Majesty [2 & 3 Will. 4, c. 64], intitled "An Act to settle and to describe the Divisions of Counties, and the Limits of Cities and Boroughs, in England and Wales, in so far as respects the Election of Members to serve in Parliament:" And whereas several parts of counties which before the passing of the said Act of the 7th & 8th Vict. were detached from the main bodies of such counties are also detached from the main bodies of the counties of which under that Act they respectively form parts, or may be conveniently united with other counties: And whereas it is expedient to make such provision as hereinafter mentioned in relation to detached parts of counties: Be it therefore enacted &c., as follows:—

1. *Detached Parts of Counties may be transferred for the Purposes of the Constabulary.*] It shall be lawful for the justices of any two or more neighbouring counties, in their several general or quarter sessions assembled, notwithstanding the said Act of the 7th & 8th Vict., from time to time to agree that any detached part of any county shall for the purposes of the Acts relating to county and district constables be considered as forming part of the county by which the same is surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which such part has the longest common boundary; and whenever any part of any county is so transferred, such part shall be subject to the provisions of the said Acts of the 2nd & 3rd Vict. and the 3rd & 4th Vict. concerning detached parts of counties, as the same would have been if the said Act of the 7th & 8th Vict. had not been passed.

2. *Recited Provisions of 3 & 4 Vict. c. 88, to extend to Parts annexed under 7 & 8 Vict. c. 61.*] The provision hereinbefore recited of the said Act of the 3rd & 4th Vict. shall extend to any part of a county which did not form part of such county before the passing of the said Act of the 7th & 8th Vict., in like manner as if the same had always formed part of such county.

3. *Power to contract for Care of Prisoners.*] Where any agreement is made as aforesaid in relation to any detached part of a county, the justices entering into such agreement may, with the approval of one of her Majesty's principal secretaries of state, also agree for the support and maintenance in any gaol or house of correction belonging to the county to which such detached part is assigned under such agreement of any prisoners committed thereto from such detached part, and for the payment, where the occasion shall require, of all or any part of the expenses of additions or alterations of or to such gaol or house of correction which may be required by reason of the commitment of such prisoners thereto; and every prisoner committed from such detached part, who would or might otherwise be confined in the gaol or house of correction of the county to which such detached part belongs, may be lawfully committed or removed to and confined in the gaol or house of correction receiving him under such agreement; and all prisoners so confined in such gaol or house of correction, whether before or after trial, shall be subject in all matters and things to the same rules and regulations as if they were committed to such gaol or house of correction by any of the justices having jurisdiction over the same, and if committed before trial shall be triable and tried in the same manner as if their offences had been committed in the county to which such gaol or house of correction belongs; and the moneys to be paid under such agreement for the support and maintenance of such prisoners, and other such expenses as aforesaid, shall be raised in the same manner as moneys for defraying the expenses of any gaol or house of correction of the county to which such detached part belongs, to which such prisoners would or might have been committed if such agreement had not been made.

CAP. LXIX.

An Act to impose Fees on the branding of Barrels under the Acts concerning the Herring Fisheries in Scotland.

[2nd August, 1858.]

CAP. LXX.

An Act to amend the Act of the Fifth and Sixth Years of her present Majesty, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.

[2nd August, 1858.]

WHEREAS, by 5 & 6 Vict. c. 100, intitled "An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture," hereinafter called "The Copyright of Designs Act, 1842," there was granted to the proprietor of any new and original design in respect of the application of any such design to ornamenting any article of manufacture contained in the 10th class therein mentioned, with the exceptions therein mentioned, the sole right to apply the same to any articles of manufacture, or any such substances as therein mentioned, for the term of nine calendar months, to be computed from the time of such design being registered according to the said Act: And whereas it is expedient that the term of copyright, in respect of the application of designs to the ornamenting of articles of manufacture comprised in the said 10th class, should be extended, and that some of the provisions of the said Act should be altered, and that further provision should be made for the prevention of piracy, and for the protection of copyright in designs under the Acts in the schedule hereto annexed, and hereinafter called "The Copyright of Designs Acts:" Be it therefore enacted &c., as follows; that it is to say:—

1. *Short Title.*] In citing this Act for any purpose whatsoever it shall be sufficient to use the expression "The Copyright of Designs Act, 1858."

2. *Copyright of Designs Acts, and this Act to be as One.*] The said copyright of designs Acts and this Act shall be construed together as one Act.

3. *Extension of Term of Copyright as to the Tenth Class mentioned in 5 & 6 Vict. c. 100.*] In respect of the application of any new and original design for ornamenting any article of manufacture contained in the 10th class mentioned in "The Copyright of Designs Act, 1842," the term of copyright shall be three years, to be computed from the time of such design being registered, in pursuance of the provisions of "The Copyright of Designs Acts," and of this Act: Provided nevertheless, that the term of such copyright shall expire on the 21st December in the second year after the year in which such design was registered, whatever may be the day of such registration.

4. *Copyright not to be prejudiced if Articles marked.*] Nothing in the 4th section of "The Copyright of Designs Act, 1842," shall extend or be construed to extend to deprive the proprietor of any new and original design applied to ornamenting any article of manufacture contained in the said 10th class of the benefits of "The Copyright of Designs Acts," or of this Act: Provided there shall have been printed on such articles, at each end of the original piece thereof, the name and address of such proprietor, and the word "registered," together with the year for which such design was registered.

5. *Pattern may be registered.*] And be it declared, that the registration of any pattern or portion of an article of manufacture to which a design is applied, instead of in lieu of a copy, drawing, print, specification, or description in writing, shall be as valid and effectual, to all intents and purposes, as if such copy, drawing, print, specification, or description in writing, had been furnished to the registrar under "The Copyright of Designs Acts."

6. *Proprietor to give the Number and Date of Registration.*] The proprietor of such extended copyright shall, on application by or on behalf of any person producing or vending any article of manufacture so marked, give the number and the date of the registration of any article of manufacture so marked; and any proprietor so applied to who shall not give the number and date of such registration shall be subject to a penalty of £10, to be recovered by the applicant, with full costs of suit, in any court of competent jurisdiction.

7. *Penalty on issuing Articles not so marked.*] Any person who shall wilfully apply any mark of registration to any article of manufacture in respect whereof the application of the design thereto shall not have been registered, or after the term of copyright shall have expired, or who shall, during the term of copyright, without the authority of the proprietor of any registered design, wilfully apply the mark printed on the piece of any article of manufacture, or who shall knowingly sell or issue any article of manufacture to which such mark has been wilfully and without due authority applied, shall be subject to a penalty of £10, to be recovered by the proprietor of such design, with full costs of suit, in any court of competent jurisdiction.

8. *Proceedings for Prevention of Piracy may be instituted in the County Courts.* Notwithstanding anything in the "The Copyright of Designs Acts," it shall be lawful for the proprietor of copyright in any design under "The Copyright of Designs Acts," or this Act, to institute proceedings in the county court of the district within which the piracy is alleged to have been committed, for the recovery of damages which he may have sustained by reason of such piracy: Provided always, that in any such proceedings the plaintiff shall deliver with his plaint a statement of particulars as to the date and title or other description of the registration whereof the copyright is alleged to be pirated, and as to the alleged piracy; and the defendant, if he intends at the trial to rely as a defence on any objection to such copyright, or to the title of the proprietor therein, shall give notice in the manner provided in the 76th section of the 9th & 10th Vict. c. 93, of his intention to rely on such special defence, and shall state in such notice the date of publication and other particulars of any designs whereof prior publication is alleged, or of any objection to such copyright, or to the title of the proprietor to such copyright; and it shall be lawful for the judge of the county court, at the instance of the defendant or plaintiff respectively, to require any statement or notice so delivered by the plaintiff or of the defendant respectively to be amended in such manner as the said judge may think fit.

9. *The Proceedings of County Courts Acts applicable to Proceedings for Piracy of Designs.* The provisions of an Act of the 9th & 10th Vict. c. 93, and of the 12th & 13th Vict. c. 100, as to proceedings in any plaint, and as to appeal, and as to writs of prohibition, shall, so far as they are not inconsistent with or repugnant to the provisions of this Act, be applicable to any proceedings for piracy of copyright of designs under the said Copyright of Designs Acts or this Act.

SCHEDULE referred to in the foregoing Act.

5 & 6 Vict. c. 100. [10 Aug., 1842.]	An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.
5 & 7 Vict. c. 63. [22 Aug., 1843.]	An Act to amend the Laws relating to the Copyright of Designs.
13 & 14 Vict. c. 104. [14 Aug., 1850.]	An Act to extend and amend the Acts relating to the Copyright of Designs.
14 Vict. c. 9. [11 April, 1851.]	An Act to extend the Provisions of the Designs Act, 1850, and to give Protection from Piracy to Persons exhibiting new Inventions in the Exhibition of the Works of Industry of all Nations in 1851.

CAP. LXXI.

An Act to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts.

[2nd August, 1858.

WHEREAS it frequently happens that the bishop of a diocese is a trustee of real or personal estate for charitable or other public purposes, or is invested with powers in relation to charities and public trusts within his diocese: And whereas, in consequence of the altered limits of dioceses in England it is expedient to make new provisions for such cases: Be it enacted &c., as follows:—

1. *Charity Commissioners may make Order enabling Bishop of one Diocese to act for another, as to certain Trusts, &c.* In all cases in which the bishop of a diocese is, as such bishop, alone or jointly with any other person or persons, trustee of or invested with any power of nomination or control or other power in relation to any charitable foundation or other trust for public purposes within, or in favour of the clergy, parishioners, or other persons or objects of or belonging to, any place which at the time when such bishop or his predecessor was first invested with such trust or power was within that diocese, or concerning any church or chapel in any such place, and by reason of an alteration of the limits of the diocese such place is transferred to and included in some other diocese, it shall be lawful for the Charity Commissioners for England and Wales, if it appear to them that such trust or power was first so vested in the bishop or his predecessor by reason of the place being then within his diocese, and may be conveniently vested in the bishop in whose diocese such place is included, to make an order under their seal substituting from the date thereof for the first-mentioned bishop the bishop of the diocese in which such place is included, and such order shall operate to vest in such last-mentioned bishop, either solely or jointly with any other person or persons, as the case may require, all estate, property, stock, funds, moneys, securities, rights, titles, patronage, and authority in relation to the charity or trust, as fully and effectually as if he had been originally appointed to have and exercise the same.

2. *Order to be made on the Application of the Bishops, or of one of them.* Provided, That every order to be made under this Act shall be made upon the application of the bishops concerned in such order, or one of them; and no such order shall be made in relation to any advowson or right of patronage or presentation, part of the possessions of a see, which might be exchanged or otherwise disposed of by scheme of the Ecclesiastical Commissioners confirmed by her Majesty in council; nor shall any such order under this Act be made in relation to any ecclesiastical patronage or power of nomination or appointment of any curate, chaplain, or spiritual person under any trust without the consent of the Ecclesiastical Commissioners under their common seal.

3. *How Costs are to be defrayed.* Any costs necessarily incident to effecting the aforesaid transfers shall be defrayed by order of the said Charity Commissioners out of the property, real or personal, as the said Charity Commissioners may direct, which shall be transferred as aforesaid.

4. *Nothing to affect Trusts, &c., within the Universities, and Colleges of Eton, Winchester, and Westminster.* Provided always, That nothing herein contained shall be construed to extend to or in any way affect trusts of a visitatorial or any other nature or character exercised in or over any college, hall, or school within the precincts or under the jurisdiction or government of either of the universities of Oxford or Cambridge, or in or over the colleges or schools of Saint Mary at Eton, Saint Mary at Winchester, and Saint Peter at Westminster.

5. *Nothing to affect certain Endowments, &c.* Provided also, That nothing in this Act contained shall be construed to extend to endowments of an eleemosynary or any other character, whose foundation trusts are or may be governed by any specific Act of Parliament.

CAP. LXXII.

An Act to facilitate the Sale and Transfer of Land in Ireland.

[2nd August, 1858.

WHEREAS an Act was passed in the 12th & 13th of Vict. intitled "An Act further to facilitate the Sale and Transfer of Incumbered Estates in Ireland" [12 & 13 Vict. c. 77]: And whereas a certain other Act was passed in the 15th & 16th of Vict., intitled "An Act to continue the Powers of applying for a Sale of Lands under the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland" [15 & 16 Vict. c. 67]: And whereas a certain other Act was passed in the 16th & 17th of Vict., intitled "An Act for continuing and amending the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland" [16 & 17 Vict. c. 64]: And whereas a certain other Act was passed in the 18th & 19th of Vict., intitled "An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in Ireland" [18 & 19 Vict. c. 73]: And whereas a certain other Act was passed in the 19th & 20th of Vict., intitled "An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in Ireland" [19 & 20 Vict. c. 67], and to amend the said Acts: And whereas it is expedient to create a permanent Court for the sale and transfer of land in Ireland, whether the same shall be incumbered or unincumbered, and to invest the said Court with other and more extensive powers than those conferred by the said recited Acts: Be it therefore enacted &c., as follows:—

1. *Construction of certain Terms in this Act.* In the construction of this Act (except where the context or other provisions of this Act require a different construction),

The word "land" shall include and extend to manors, advowsons, rectories, messuages, tithes, lands, tenements, rents, annuities charged on lands and hereditaments of any tenure, or any estate therein, partial, derivative, or otherwise, and whether such land be held as freehold or chattel, or held by lease, or whether subject to any fee-farm or other perpetual rent, with or without the condition of re-entry for securing the same or otherwise, or whether corporeal or incorporeal, and whether a divided or undivided share;

And the word "estate" shall include and extend to an estate in equity as well as at law, and to an equity of redemption, and to the benefit of any covenant or contract for or right of renewal, and whether this land be held in fee simple or for any lesser estate, or held by lease;

And the word "lease" shall include an agreement for a lease, and the estate or interest created or agreed to be

created by such lease or agreement in the whole or in any part of the land therein comprised;

And the expression "lease in perpetuity" shall mean any lease or grant for one or more life or lives, with or without a term of years, or determinable upon the expiration of any given term of years, or for years determinable on one or more life or lives, or for years absolute, with a covenant or agreement in any of such cases, whether in the same or any other instrument, for the perpetual renewal of such lease or grant, whether such lease shall be derived out of the inheritance or by way of underlease out of any other lease or estate;

The word "owner," as applied to land, shall include any person beneficially entitled in possession to an estate in fee simple or fee tail, or quasi fee tail, or for any lesser, partial, or derivative or other estate, freehold or chattel, at law or in equity, or any person entitled to such estate as a trustee for sale;

And the words "person or owner" shall extend to a body politic or corporate, as well as to an individual;

And the word "judge" shall mean one of the judges of the "Landed Estates Court, Ireland";

And the expression "the judge" shall mean the judge of the said court before whom the matter shall be pending of which the section is conversant;

And the expression "Commissioners of her Majesty's Treasury" shall mean the Commissioners of her Majesty's Treasury for the time being, or such members of them as are competent to perform acts for the said commission at large, or the Lord High Treasurer for the time being;

And the word "incumbrance" shall mean any legal or equitable mortgage in fee, or for any less estate, and also any money secured by a trust, and also any legacy, portion, lien, or other charge, whereby a gross sum of money is secured to be paid on an event, or at a time certain, and also any annual or periodical charge, which, by the instrument creating the same, or any other instrument, is made purchasable on payment of a gross sum of money, and every other charge upon land which is deemed an incumbrance in a court of equity, and which a court of equity would discharge by a sale of the land charged, or by the appointment of a receiver over the same;

And the word "incumbrancer" shall mean a person entitled to an incumbrance absolutely, or a person entitled to the absolute or any partial or lesser interest in an incumbrance, or in any part thereof;

And the word "court" shall mean the "Landed Estates Court, Ireland"; and where the expression "the court" shall be used in connexion with any act to be done or order to be made by the same, it shall mean the judge of the said court before whom the matter referred to shall be pending;

And the words "Lord Chancellor" shall mean as well the Lord High Chancellor of Ireland as the Lord Keeper or Lords Commissioners of the Great Seal for the time being.

2. *Title of Court, and Place of Sitting.*] A court is hereby constituted, to be called the "Landed Estates Court, Ireland," with power to exercise such jurisdiction and authority as herein-after provided, and to hold its ordinary sittings at such place or places in the city of Dublin as the Lord Lieutenant of Ireland in council shall from time to time appoint.

3. *First Judges of the Court.*] There shall be three judges of the said court; and Henry Martley, Esq., Mountfort Longfield, Esq., LL.D., and Charles James Hargreave, Esq., shall be and are hereby constituted first judges of the said court.

4. *Appointment of future Judges.*] It shall be lawful for her Majesty and her successors from time to time, when and as often as any vacancy shall occur in the office of any of the said judges of the said court hereinbefore named, or of any of their successors for the time being, by death, resignation, or removal from office, by letters patent under the great seal of Ireland, to appoint a fit person, being a practising barrister of at least fifteen years standing, who shall have actually practised fifteen years in her Majesty's superior courts in Dublin, and shall not, at the time of his appointment to such office, have retired from such practice, to supply such vacancy.

5. *Judges to hold Office during good Behaviour.*] Each of the said judges hereinbefore named, and every other judge hereafter to be appointed by her Majesty and her successors, under the provisions of this Act, shall hold his office during good be-

haviour: Provided always, that it shall be lawful for her Majesty to remove any such judge from his office upon an address of both Houses of Parliament.

6. *Oath of Judges.*] Every such judge as aforesaid shall, before executing any of the duties of his office, take the following oath, which the Lord Chancellor of Ireland or the Master of the Rolls for the time being is hereby respectively authorised and required to administer:—

"I, A. B., do solemnly and sincerely promise and swear, that I will duly and faithfully, and to the best of my skill and power, execute the office of judge of the 'Landed Estates Court, Ireland.'
So help me God."

Every such judge as aforesaid shall have rank and precedence next after the puisne judges of her Majesty's superior courts of common law and the judges of the Court of Probate in Ireland.

7. *Judges not to sit in House of Commons.*] No judge appointed under this Act shall, during his continuance in such office, be capable of being elected or of sitting as a member of the House of Commons.

8. *Court to have a Seal.*] The said "Landed Estates Court, Ireland," shall cause to be made a seal for their said court, and shall cause to be sealed therewith all orders, conveyances, and other instruments made by or proceeding from the said court in pursuance of this Act, and all such orders, conveyances, and other instruments, or copies thereof, purporting to be sealed with the seal of the said court, shall be received in evidence without any further proof thereof.

9. *Officers to be appointed.*] There shall be one registrar, one taxing officer, one accountant for said court, one examiner for each judge, and so many clerks and other officers for the said court (save the office of master) as the Lord Chancellor of Ireland, with the sanction of the Commissioners of her Majesty's Treasury, may from time to time think fit.

10. *First Appointment of Officers.*] Henry Carey, Esq., the present secretary to the Court for the Sale of Incumbered Estates, shall be the first registrar, Richard Augustine Fitz Gerald shall be the first taxing officer, and Thomson Seed shall be the first accountant of the said Landed Estates Court, Ireland; and the several examiners for the said judges shall be appointed under the hand of the said judges respectively.

11. *Certain Officers to be transferred to such Situations as Judges may select.*] Such of the other clerks and officers now employed in the said court for the Sale of Incumbered Estates shall be transferred to such situations in the court hereby created as the judges of the said Court, or any two of them, shall, with the approbation of the Lord Chancellor, select and appoint as best qualified for such situations, or, in default of appointment by them, as the Lord Chancellor himself shall select and appoint.

12. *Future Appointment of Officers.*] The registrar, taxing officer, and accountant of the said court hereby constituted, upon the death, resignation, or removal of the persons respectively appointed or to be appointed from time to time to the said offices, and the persons to be appointed to any situation which is of a general nature in the said court, and not attached to any particular office, and every officer who shall preside in any office, shall be appointed by warrant of the Lord Lieutenant, on the joint recommendation of the judges of the court; or, in default of such joint recommendation, by the Lord Lieutenant at his discretion; and the examiners of the said judges, and other officers immediately attached to their respective courts or chambers, shall, from time to time, be appointed by such judges respectively for the time being as such office shall become vacant, and the several other inferior officers or clerks shall, save in the case of such transfer as aforesaid, be appointed by the said judges jointly.

13. *Salaries of Officers.*] There shall be paid to Henry Martley, Esq., a salary of £3000 a year; there shall be paid to Mountfort Longfield, Esq., and Charles James Hargreave, Esq., a salary of £2500 a year each, and to every future judge of the said court a salary of £2500 a year each; and there shall be paid to the registrar, taxing officer, accountant, and the several other officers and clerks who shall be appointed under the provisions of this Act, such salaries as the commissioners of her Majesty's Treasury shall approve, upon the recommendation of the judges of the said court, with the approval of the Lord Chancellor, all which several salaries shall be payable quarterly.

14. *Certain Officers to hold their Office during good Behaviour.*] The registrar, taxing officer, accountant, and examiners shall hold their offices during good behaviour, subject to be removed by the joint order of the judges of the

said court, with the sanction of the Lord Chancellor of Ireland, for some reasonable cause to be in the said order expressed; and all other officers of the said court shall be removable by the joint order of the said judges thereof, with the sanction of the Lord Chancellor.

15. *Qualification of Officers.*] No person, save such as shall be transferred under the provisions of this Act, shall be appointed examiner, registrar, or taxing officer of the said court who shall not have been a barrister or solicitor of at least six years standing, unless he shall have filled some office or offices in the Court for the Sale of Incumbered Estates or the court hereby constituted, or some offices in both courts, or some office or offices in the Court of Chancery, for a period of five years.

16. *Officers to act in Person.*] The registrar, taxing officer, accountant, and examiners shall execute their respective offices in person, and not by deputy, unless where a deputy for the execution of any of such offices shall be appointed for that purpose by the Lord Chancellor in the case of temporary illness or other unavoidable accident; and no officer of the said court shall, during the term of his holding such office, directly or indirectly practise as a barrister or attorney, or participate in the fees of any other person so practising.

17. *Privilege of Barristers and Solicitors.*] Barristers and solicitors shall respectively have and enjoy the like privilege of practising before and be subject to the like authority of the said court as they have and enjoy and are subject to in her Majesty's High Court of Chancery, or the Court for the Sale of Incumbered Estates in Ireland.

18. *Salaries of Judges and Officers.*] The salaries payable to the judges of the said court under this Act shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and the salaries payable to the other officers of the said court under this Act shall be payable out of such funds as shall be provided by Parliament for such purpose, and all such salaries shall be paid by equal portions, quarterly, and the first of such payments, or a proportionate part thereof, to be computed from the time of the appointment of such judge, shall be made on such of the said days of payment as shall first happen after the date of such appointment; and upon the resignation, death, or removal from office of any such judge, or his executors or administrators, shall be paid such proportionate part of his salary as shall have accrued from the times of the commencement of such salary, or from the last day of payment thereof, to the time of such resignation, death, or removal from office.

19. *Retiring Pension of Judges.*] Her Majesty, by letters patent under the great seal of the United Kingdom, may grant unto any person exercising the office of judge of the said court, in pursuance of this Act, an annuity not exceeding two-thirds of the salary of such judge, to commence immediately after the period when the person to whom such annuity shall be granted shall resign the said office of judge, and to continue from thenceforth during the natural life of the person to whom the same shall be granted; provided that no such judge shall be entitled to such retiring allowance until he shall have served for a period of at least fifteen years; and such annuity shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and such annuity shall be paid quarterly by equal portions, and the first quarterly payment, or a proportionate part thereof, to be computed from the time of the resignation of the said officer, shall be made on such of the same days as shall happen next after the resignation of the said officer, and the executors and administrators of the person to whom the same annuity shall be granted as aforesaid shall be paid such proportionate part of the said annuity as shall accrue from the commencement of the last quarterly payment thereof, as the case may be, to the day of his death; Provided that it shall be lawful for her Majesty, in and by such letters patent, to limit the duration of payment of such annuity or any part thereof to such period of time during the natural life of such person in which he shall not exercise any office of profit under her Majesty, so that such annuity, together with the salary and profits of such other office, shall together not exceed in the whole the amount of the salary of the office previously held; Provided also, that no annuity granted to any person having executed the office of judge of the said court under this Act shall be valid unless such person shall have continued in the said office, or in the said office and the office of Commissioners for the Sale of Incumbered Estates in Ireland, or in the office of a judge in one or more of her Majesty's superior courts, for the period of fifteen years, or shall be afflicted with some permanent infirmity disabling him

from the due execution of his office, which shall be distinctly recited in the said grant.

20. *Retiring Pension of Officers.—Compensation to unemployed Officers of the Incumbered Estates Court.*] Every registrar, taxing officer, accountant, examiner, or other officer, who shall hold office under the provisions of this Act, shall be entitled to the like retiring allowances and upon the same conditions as by the "Court of Chancery (Ireland) Regulation Act, 1850," are provided in respect of the offices of the said Court of Chancery; and all the provisions of the said Act relating to such retiring allowances shall extend to and include the officers of the Court hereby created, and their respective salaries, save that the said retiring allowances shall be paid out of such moneys as may be provided by Parliament for that purpose: Provided that in estimating the length of service the time during which any such officer shall have filled any office in the Court of the Commissioners for the Sale of Incumbered Estates in Ireland, or in the Court of Chancery, or the superior courts of common law in Ireland, shall be taken into account as if such service had been under this Act; that Stephen Woulfe Flanagan, and the several other officers of the Court for Sale of Incumbered Estates in Ireland whose offices have been or shall be abolished, and such officers as are not to be transferred to the said last-mentioned court, shall receive such compensation by way of annual payment out of such moneys as may be provided by Parliament for that purpose, as the judges, with the assent of the Lord Chancellor, shall recommend, and shall be approved of by the Commissioners of her Majesty's Treasury.

21. *Periods during which such unemployed Officers may have served to be taken into account in estimating future retiring Pensions, &c.*] In case the said Stephen Woulfe Flanagan, or any other officer of the said Incumbered Estates Court who shall not be transferred to the said Landed Estates Court, shall at any time hereafter be appointed to any office under her Majesty, the period during which he has served in the Incumbered Estates Court shall be taken into account and allowed in estimating the period at which he shall be entitled to retire from such new office, and the amount of the retiring pension or superannuation allowance to which he shall be entitled.

22. *Commencement of the new Court.*] The authority and jurisdiction of the "Landed Estates Court (Ireland)" shall commence and take effect from the 1st day of November next.

23. *Jurisdiction of Commissioners for Sale of Incumbered Estates to continue until Formation of new Court.*] Every commissioner, secretary, or other officer appointed under the provisions of the first-recited Act may hold his office until the said 1st day of November, and no longer, unless the Lord Chancellor shall otherwise direct; and all such applications under the said recited Acts or any of them as are mentioned in s. 11 of the thirdly-recited Act of the 16th & 17th Vict., and which are by the said lastly-recited Act of the 19th & 20th Vict. authorised to be made within five years from the 28th day of July, 1853, may be made before the said 1st day of November next; and all orders and proceedings by such said Acts or any of them authorised, and which might be made, had, or taken under the same, may be made, had, and taken at any time before the said last-mentioned day.

24. *Lord Chancellor to call for a Return of Business before the Commissioners for Sale of Incumbered Estates.*] It shall and may be lawful for the Lord Chancellor to issue an order directed to each of the Commissioners for the Sale of Incumbered Estates in Ireland, requiring him to report to the Lord Chancellor the number and titles of matters pending in his office, distinguishing those in which orders for a sale or for an independent partition or exchange have been made, those in which rentals have been settled, those in which sales have been had, those in which deeds have been executed to a purchaser, and those in which final schedules have been ruled, with the date of the filing of the petition in each matter, so far as such proceedings shall be incident to such matters, and the dates of such acts of the commissioners in the progress of such matters respectively as have been in this section enumerated; and each commissioner shall, within such time after having been served with such order as shall be named therein, make a report or return in conformity to the terms and requisition of the same.

25. *Judges to make Annual Return to Secretary of State.*] At the termination of each year after this Act shall come into operation, each judge shall furnish to her Majesty's Secretary of State for the Home Department a return, showing the number and titles of matters which shall have been brought into his chamber during the year, and of all matters then pending, distinguishing those which are founded upon original applications from those referred by the Courts of Chancery and the

Court of Bankruptcy and Insolvency, and distinguishing those in which orders for a sale or independent partition or exchange or for specific performance or declarations of title have been made, and those in which applications or references have been dismissed or the title registered, and also the titles of matters in which rentals have been settled, those in which sales have been had, those in which deeds of conveyance have been executed to a purchaser, and those in which final schedules have been settled, together with the several dates of such applications or references, and the dates of such acts of the judges respectively as are in this section enumerated, and the dates of the filing and commencement of each matter respectively, and the said return shall also state the sum produced on each sale; provided that the form of and particulars to be contained in such return may be varied by any general order of the Court.

26. *All Matters pending before the Incumbered Estates Court to be transferred to the New Court.* When and so soon as the Court constituted by this Act shall come into operation, all the matters theretofore pending before the Commissioners for the Sale of Incumbered Estates in Ireland shall thereupon stand transferred to the "Landed Estates Court, Ireland," and be dealt with in that court in respect of all orders and conveyances, and otherwise in the further prosecution of the same, as if the said matters had been commenced in the said last-mentioned court; and all acts and orders of the said Commissioners, whether their powers shall or shall not have expired, shall continue in force, save as herein mentioned; and the Court shall for the purposes of such matters have all the jurisdiction, power, and authority possessed by the said Commissioners, as well as those conferred upon the Court by this Act; and all the rules of procedure which shall be in force under this Act shall be applied in the future prosecution thereof, so far as such rules are capable of being so applied; and if such rules shall not be found applicable thereto, then such matters shall be prosecuted according to the course of procedure theretofore used before the said Commissioners; and every appeal previously made to the full Court of the said Commissioners which shall be then pending shall not be heard by them, but shall be prosecuted directly before the Court of Appeal in Chancery; provided that nothing herein contained shall prevent the said Commissioners from giving judgment in any case which shall have been heard before them, or shall prevent any of the parties to such matter from having an appeal therefrom to the Court of Appeal in Chancery; and provided that every proceeding to make absolute a conditional order which shall have been made by the Court of the Commissioners for the Sale of Incumbered Estates in Ireland, or by any of them, shall be prosecuted before a judge of the said Landed Estates Court, as if such order had been pronounced by him; provided also, that nothing herein contained shall operate to prevent the Court from rescinding, vacating, or varying any acts or orders of the said Commissioners, as if same had been made or done by the Court itself.

27. *Stock and Cash to be transferred to the Control of the New Court.* When and so soon as the Court constituted by this Act shall come into operation, the cash and stock now standing to the credit of the Commissioners for the Sale of Incumbered Estates in Ireland, or under their control, or of any matters then pending before them, shall be transferred to or placed under the control of "The Landed Estates Court, Ireland," and may be generally transferred or changed to such names or credit as the last-mentioned Court shall, by any general order or orders, or by any special order or orders, from time to time direct; and in the meantime, it shall be lawful for the several judges of the court from time to time to make such orders in relation to any portion or portions of such funds, and draw or make such orders, or ratify such drafts or orders of the Commissioners in relation to any portion or portions of such funds as the said Commissioners or any of them could have drawn or ratified before the time when this Act shall have come into operation, or as such judges shall be authorised by any general rule or order of the Court; and the Accountant of the "Landed Estates Court, Ireland," shall, and hereby is authorised and empowered to do any act which the Accountant of the said Commissioners could have done before this Act shall have come into operation, or such acts as he shall be authorised to do by any general rule or special order of the Court.

28. *Deeds, Books, &c., to be handed over as Lord Chancellor shall direct.* When the Court constituted by this Act shall come into operation the several officers of the Court of the Commissioners for the Sale of Incumbered Estates in Ireland shall respectively hand over and deliver up all such deeds, documents, books, and papers as shall be then in their custody as such officers, and to such person or persons as the judges of the court shall by order direct.

29. *Judges to frame and promulgate Forms of Application, &c.* The said judges shall frame, and cause to be printed and circulated or promulgated, as they shall see occasion, forms of application and directions indicating the particulars of the information to be furnished to the Court, on applications to them under this Act, with reference to title, incumbrances, and the circumstances of the land, and such other information as, in the judgment of the said judges, may assist them in forming an opinion on such application, and also such other forms and directions as they may deem requisite or expedient for facilitating proceedings under this Act.

30. *Judges to frame General Orders, to be approved by Lord Chancellor, &c.* The said judges, on or before the first day of November next, shall prepare a code of general rules, such as they may think best adapted for regulating the course of procedure under this Act, and in relation to the making investments, and generally for securing the due execution of the powers vested in the said Court, and giving effect to the provisions and objects of this Act; but no fees or sums shall, under any such general rule or otherwise, be payable to any officer or person appointed under this Act, upon or in respect of any proceedings under this Act, save in respect of the copy or extract of or from any order, document, or proceeding actually required and taken by any party, such sum, not exceeding three halfpence for every seventy-two words, as shall be paid for the making of such copy or extract, and the said Court shall authorise to be charged to such party for the same: Provided always, that every such code of general rules shall be laid before the Lord Chancellor of Ireland, and the Lord Chancellor thereupon, with the assistance of the Lord Justice of Appeal, shall consider the expediency of such rules and every of them; and it shall be lawful for the Lord Chancellor, with the concurrence of the Lord Justice of Appeal, by order signed by him, to confirm or disallow all or any of such rules, or to alter or amend, and confirm with such alterations or amendment, any of such rules, or to remit any of such rules to the said judges for further consideration, or to frame any additional rule or rules; and every such general rule or rules (when the same shall have been so confirmed by order of the Lord Chancellor) shall be enrolled in the High Court of Chancery in Ireland, and when so enrolled shall be binding on the said Court in the exercise of its powers, and shall be of the same force and effect as if the same had been enacted by authority of Parliament: Provided also, that any rules so confirmed and enrolled as aforesaid may from time to time be added to, rescinded, amended, or altered, as occasion may require, by other rules made by the judges for the time being, and confirmed and enrolled in like manner; and provided also, that it shall be lawful for any of the judges of the court singly to lay any rule or rules before the Lord Chancellor which such judge may think expedient, whereupon the Lord Chancellor may proceed with respect to such rule or rules as if the same had been prepared and laid before him by both the judges of the said court.

31. *Special Notice to Tenants and Owners of contiguous Lands.* The Court or judges thereof, in framing general orders under this Act, shall have regard to the best mode of appraising tenants on the estate of the subject of any matter or reference pending before the Court, and of the nature and effect of the proceeding, by causing notices to be posted on and in the vicinity of the lands, and also by advertisement or otherwise, thereby inviting them to establish their rights, with a view to have such reserved, and shall also have regard to the best mode of calling the attention of owners of lands contiguous to those which may be the subject of any matter or reference pending before the Court, to the boundaries set out in the maps annexed to the rental, and shall also have regard to the best mode of having brought before a judge a draft of every proposed conveyance or declaration, and of having produced before the judge such materials as shall enable him to settle such conveyance or declaration in accordance with the rights of the tenants and other parties concerned.

32. *General Orders to be laid before Parliament.* Such code of general rules as shall be made and confirmed as aforesaid shall be laid before both Houses of Parliament within one calendar month from the enrolment thereof, if Parliament be then sitting, or if Parliament be not then sitting, within one calendar month from the commencement of the next session of Parliament.

33. *Power of Court to summon and examine Witnesses.* It shall be lawful for the Court, by summons under its seal, to require the attendance before one of the said judges or any officer of said court, at a time and place to be mentioned in such summons, of all such persons as it shall think fit to examine.

fine in relation to any question or matter depending before the said Court, and to require all such persons to produce before the said Court, or judge, or officer, all deeds, books, papers, documents, and writings relating to such question or matter, and to examine upon oath, or, in case of persons allowed to make affirmations or declarations in lieu of an oath, upon affirmation or declaration (as the case may require), all persons who shall attend under such summonses, and all persons who shall voluntarily attend as witnesses; and it shall be lawful for either of the said judges or any officer appointed for that purpose generally or in the particular matter to administer such oath, affirmation, or declaration, and every person required by such summons so to attend who without reasonable cause, to be allowed by the said Court, shall fail to appear according to the tenor of such summons, or shall refuse to be sworn or to make affirmation or declaration (as the case may be), or shall not make answer to all such questions as shall be lawfully put to him on such examination, or shall refuse or fail to produce before the said Court, judge, or officer, any such deed, book, paper, document, or writing, being in or under his custody, possession, or power, as shall be lawfully required to be produced by him before the said Court, judge, or officer, shall for such default of appearance, refusal to be sworn or to make affirmation or declaration, or for not answering any such question as aforesaid, or not producing such deed, book, paper, document, or writing, incur and be liable to all such penalties, prosecutions, actions, and suits as a person might incur or be liable to for failing to appear or refusing to be sworn or to give evidence in any suit or matter depending in the High Court of Chancery in Ireland; and the said Court, and each of the judges thereof shall have the like powers, jurisdiction, and authority for enforcing the attendance of persons summoned as aforesaid, for punishing persons failing to appear or refusing to be sworn or to make affirmation or declaration, or to give evidence, or guilty of contempt, and generally for enforcing all orders made by the said Court under any of the powers or authorities vested in it under this Act, and otherwise in relation to the matters to be inquired into and done by them under this Act, as are by law vested in the High Court of Chancery in Ireland for such purposes in relation to any suit or matter depending in such Court.

34. *Judges may receive Affidavits in Evidence.* Provided always, that the said Court or judge thereof may, where they or he think fit, receive in evidence affidavits; and such affidavits may be made before any person empowered to take affidavits which may be received in evidence in the Court of Chancery in Ireland, or where they think fit the said Court may, by order under the seal thereof, appoint and authorise any person, either generally or in a particular matter, to take affidavits or examine any witness or witnesses who shall attend before such person to be examined in Ireland or elsewhere, in relation to any application to or matter pending before the said Court, and to administer oaths, affirmations, or declarations for the purposes of such examination; but the deponent in every such affidavit shall, on the application of any other party interested in the facts deposed to, be subject to be cross-examined by or on behalf of such other party orally in open court, or before any person appointed to take such examination, and after such cross-examination may be re-examined orally in open court or before such person appointed as before said.

35. *Examination by Commissioners.* It shall be lawful for the Court to enforce the attendance of witnesses, and to have such witnesses examined and evidence taken in any matter pending before it, whether by commission or otherwise, before such person or persons or such tribunal as under the several statutes now in force and hereafter to be enacted the Court of Chancery, or her Majesty's Superior Courts of Common Law in Ireland, may have evidence taken and received.

36. *Orders of the Court may be enforced in England.*—41 Geo. 3, c. 90.] Every order made by the said Court constituted under this Act, a copy whereof shall be certified under their seal to the High Court of Chancery in England, may be enrolled in like manner and enforced by the like process as an order for payment or for accounting for money made by the High Court of Chancery in Ireland, a copy whereof is exemplified and certified to the said Court of Chancery in England under the Great Seal of Ireland, may be enrolled and enforced under an Act of 41 Geo. 3 [c. 90], intitled "An Act for the more speedy and effectual Recovery of Debts due to His Majesty, His Heirs and Successors, in Right of the Crown of the United Kingdom of Great Britain and Ireland, and for the better Administration of Justice within the same."

37. *Court to be a Court of Record, and shall have Powers, &c. of a Court of Equity.*—Power of the Court to direct an Issue

to be tried by Jury.] The said "Landed Estates Court, Ireland," shall be a Court of Record, and shall have all the powers, authority, and jurisdiction of a Court of Equity in Ireland, for the investigation of title, and for ascertaining and allowing incumbrances and charges, and the amounts due thereon, and settling the priority of such charges and incumbrances respectively, and the rights of owners and others, and generally for ascertaining, declaring, and allowing the rights of all persons in any land in respect of which application may be made under this Act, or in the money to arise from sales under this Act upon such applications, and shall have the like authority and jurisdiction for enforcing, rescinding, or varying any contract for sale made under this Act, and in other matters incident to or consequent on a sale under this Act, as are vested in a Court of equity in relation to a sale under the direction of such Court, but the procedure of the Court in reference to the same shall be according to such general rules as aforesaid, or, when the general rules shall be inapplicable, at the discretion of the Court; and the said Court shall have power, in relation to any matter or question before them, to direct issues of fact to be tried by a jury; and, subject to any general rules as aforesaid, the acts and orders of each judge acting separately shall for all the purposes of this Act be deemed and taken in relation to all such inquiries and matters as the acts and orders of the said Court, and so described in the said orders and in all legal proceedings.

38. *Power to Court, in certain Cases, to summon a Jury.* It shall be lawful for the Court to cause any matter or question of fact arising in any proceeding before them to be tried by a special or common jury before the Court itself; and the Court may make all such rules and orders upon the sheriff, or on any other person, for procuring the attendance of a special or common jury for the trial of such question or matter of fact, as may be made by any of the superior courts of common law at Dublin, and may also make any other orders which to the Court may seem requisite; and every such jury shall consist of persons possessing the qualification, and shall be struck, summoned, balloted for, and called in like manner as if such jury were a jury for the trial of any cause of the said superior courts; and every jurymen so summoned shall be entitled in the same rights and subject to the same duties and liabilities as if he had been duly summoned for the trial of any such cause in any of the said superior courts; and every party to any such proceeding shall be entitled to the same rights, as to challenge and otherwise, as if he were a party to any such cause, and generally for all purposes of or auxiliary to the trial of question of fact by a jury before the Court itself; and in respect of new trial the Court shall have the same jurisdiction, powers, and authority in all respects as belong to any superior Court of common law, or to any judge thereof, for the like purposes: Provided that from any order made by the Court on an application made for a new trial there shall be the same right of appeal as from any other order of the Court: Any question of fact which shall be so ordered to be tried by a jury before the Court itself shall be reduced into writing in such form as the Court shall direct, and at the trial the jury shall be sworn to try the said question, and a true verdict give thereon according to the evidence, and upon every such trial the Court shall have the same powers, jurisdiction, and authority as belong to any judge of any of the said superior Courts sitting at Nisi Prius.

39. *Court may rescind or vary its own Orders.* It shall be lawful for the Court to review and rescind or vary any order which shall have been previously made by it or by the Commissioners for the Sale of Incumbered Estates, or any of them, but, save as aforesaid, and as hereinafter provided, every order of the Court shall be final.

40. *Proceedings in each Matter to be taken before a single Judge.* Upon each petition being presented to the said Court, the subject-matter of the same shall be referred to and become attached before one of the said judges, according to a routine to be settled by the general orders of the said Court, and all proceedings in reference to the same, save as hereinafter provided, shall be taken before the judge before whom such matter shall have been so attached, and the decision of such judge in the course of the proceedings in the said petition matter shall not be subject to any other appeal than that hereinafter provided, and every order of such judge shall be deemed and taken to be and shall be called the order of the said Court: Provided always, that nothing herein contained shall operate to prevent such judge, before pronouncing any decision, if he shall see fit, from calling in the aid of one or both of the other judges of the said court: Provided also, that it may be lawful for any of the judges of the said Court to take up and perform in the

whole or part the duty of any other judge of the said Court in relation to any matter attached or pending before him, where such other judge shall be ill or absent, or his office be vacant, or for other reasonable cause.

41. *Appeal from Judges to be direct to the Court of Appeal in Chancery.* Every order or decision of the judge shall be subject to a direct appeal to the Court of Appeal in Chancery in Ireland and no other, but such appeal must be entered within three months from the date of the decision or order, or such further time as the Court shall by special leave allow, and be thereafter duly prosecuted, otherwise the decision or order shall be final; and every appeal shall be subject to such regulation in regard to deposit of costs as shall be directed by any general order to be made in pursuance of this Act, and on hearing of such appeal the only evidence to be relied on or admissible shall be such as was given before the Court below, but the said Appeal Court, if it shall think fit, may receive such evidence, or direct or make any such inquiry thereon, as it shall seem fit, or may direct the Court below to rehear the case, on such further evidence as it may be in the power of either party to produce; and the costs of such appeal shall be in the discretion of the said Court of Appeal: Provided always, that it may be lawful for said Court of Appeal, if it see fit, on special application for that purpose, to rehear any appeal upon which it may already have made an order, and on such rehearing to rescind, vary, or add to such order as to said Court of Appeal may seem just.

42. *Appeals from Chancery to be to the House of Lords.* Any decision of the Court of Appeal in Chancery from the "Landed Estates Court, Ireland," shall be subject to an appeal to the House of Lords, in like manner as, and subject to the like conditions and restrictions as, apply to or govern, or hereafter from time to time shall apply to or govern, appeals from the Court of Appeal in Chancery to the House of Lords.

43. *Owner of Incumbered Estate, or any Incumbrancer, may apply for a Sale.* Where any land in Ireland shall be subject to any incumbrance, it shall be lawful for any incumbrancer on such land, or for the owner of any estate therein charged with such incumbrance, to apply to the Court, under the provisions of this Act, for the sale of the estate in said land charged with such incumbrance.

44. *Owner of unincumbered Estates may apply for a Sale.* In any case where any person shall be seized or possessed of any estate in land as owner thereof (save a trustee, other than a trustee for sale), it shall be lawful for such person to apply to the Court for the sale of such estate under the provisions of this Act.

45. *Incumbrance by a Trust Term.* Wherever any incumbrance affecting land shall be secured by a trust term thereof of not less than ninety-nine years absolute, of which not less than sixty years shall be unexpired, and shall have been created by the owner of a larger estate in such land, whether freehold or chattel, such incumbrance shall for the purposes of this Act be deemed an incumbrance upon such larger estate; and an incumbrance on land charged under a power shall for the purposes of this Act be deemed an incumbrance upon the estate in such land of the person who created such power.

46. *Court to exercise the Jurisdiction of Chancery for Sale of settled Estates under the 19 & 20 Vict. c. 120.* It shall and may be lawful for any person who would be authorised under the 19 & 20 Vict. c. 120, intituled "An Act to facilitate Leases and Sales of Settled Estates," to make an application to the Court of Chancery for the sale of a settled estate in land, instead of making such application to the said Court of Chancery to apply to the Court created by this Act for the purpose of having the sale of such settled estate in the said lands under the said last-mentioned Court; and thereupon it shall be lawful for the Court to exercise all the powers conferred upon the Court of Chancery in relation to sales of such nature under the provisions of the said last-mentioned Act; save that the judge shall himself execute the conveyance to the purchaser under such sale, and save that such conveyance shall have the like operation and effect, and confer such indefeasible title to the purchaser, as if such sale had been made, and such conveyance had been executed, upon an application for the sale of an incumbered estate under this Act: Provided always, that the Court shall make such investigation of the title and circumstances of the said lands as the Court shall see expedient, and as in other cases preliminary to sales under this Act; provided also, that every decision and order in the course of such proceeding shall be subject to appeal to the Court of Appeal in Chancery as in other cases under this Act.

47. *Vendor or Vendee may apply for an Investigation of Title, and a Conveyance with indefeasible Title.* Whenever a contract for sale of any estate in Ireland shall be made, it shall and may be lawful for the vendor and vendee jointly, or, if the contract shall so provide, for the vendor or vendee individually, as the case may be, to present a petition to the said Court for the purpose of procuring for the said vendee an indefeasible title to the land so previously sold, and a statutable conveyance thereof under the said Court to him, and (if necessary) the Court, as incidental to such proceeding, may make an order for a specific performance of such contract at the instance of either party, and thereupon all investigations of title and other proceedings in relation to such petition shall be similar to those which are and shall be prescribed for owners applying for the sale of incumbered or unincumbered property by the Court as aforesaid, save that no sale thereof shall be made by the said Court, unless the petitioner, being the vendor, shall so desire, with the consent of the purchaser, but the sale or contract so theretofore made by the vendor shall be ratified by the said Court, if it shall so think fit, and a conveyance of such property so sold shall be executed to the purchaser by the judge, and such conveyance shall have the same validity and effect as conveyances of incumbered estates by the judges under this Act; and it shall and may be lawful for such Court, if necessary, to pay and discharge out of the purchase-money such incumbrances as shall appear upon investigation of title to be charged upon the property so sold or contracted to be sold, and for that purpose to order the purchase-money into court: Provided always, that it shall be lawful for the Court, at the joint instance of the vendor and vendee, to substitute any other person as purchaser in the room and stead of the original vendee, or to set up the land for sale under the Court, and in such case the conveyance shall be made by the judge to such substituted or other purchaser as if the original application had been for a sale of the lands so contracted for.

48. *Incidental Power to enforce specific Performances.* In the matter of every such application as in the last section mentioned, the Court, if so required, shall, as incidental to such application, exercise and is hereby invested with all the jurisdiction and powers at present exercised by the Court of Chancery in respect to specific performance of contracts for the sale of land, whether the person seeking for such relief shall be the person who shall have made the original application in the matter or not.

49. *Where a Decree for a Sale is pronounced in Chancery, or where Order for Sale is in Bankruptcy or Insolvency, Sales shall be made by the "Landed Estates Court, Ireland."*—*Proviso as to Investigation of Title.* Whenever any order or decree for a sale of any estate of land in Ireland shall be pronounced by the High Court of Chancery in Ireland, or one of the masters thereof, or any judge or officer of the said Court, who, according to the practice thereof, may make such decree or order, and where any order for the sale of lands shall be pronounced by a judge of her Majesty's Court of Bankruptcy and Insolvency in Ireland, such sale shall be effected in and by the "Landed Estates Court in Ireland," and not by or under the said Court of Chancery, or the said Court of Bankruptcy and Insolvency, and the title of such land shall undergo such investigation by the "Landed Estates Court in Ireland," preparatory to such sale, as shall be incidental to sales founded upon petitions filed in the said last-mentioned court, and the conveyance of such land to the purchaser thereof shall be executed by a judge of the said last-mentioned court, and such conveyance shall have the like operation and effect as conveyances by judges of the said court to purchasers upon sales founded upon petitions to the said court under this Act: Provided always, that if upon the representation of the parties, or on consideration of the small value of the property to be sold, the said Courts of Chancery or Bankruptcy and Insolvency respectively shall not deem it expedient to have such investigation of title or sale or conveyance by the "Landed Estates Court, Ireland," it shall be lawful for such Courts respectively to retain the conduct of the said sale, and otherwise act in relation thereto according to their own course of proceeding as if this Act had not been passed.

50. *Application of Purchase-money when Sales are made in pursuance of Order in Chancery or Bankruptcy.* Where sales shall be effected in and by the "Landed Estates Court, Ireland," of any lands which had been decreed or ordered to be sold by decree or order of the Court of Chancery or any of the judges, masters, or other officers thereof as aforesaid, the purchase-moneys realised by such sales shall, if the Court of Chancery or judge or master thereof shall so direct, be paid into or lodged in the Bank of Ireland to the credit of the Accountant-General.

of the Court of Chancery, or otherwise disposed of in such matter as shall be directed by any general or special order of the Court of Chancery, and shall be distributed by such Court according to the course and practice thereof as if this Act had not been passed, and as if the fund so realised had been produced by a sale directly had by or under the Court in which such proceedings had been instituted; but when the said Court of Chancery shall not direct such purchase-moneys to be so lodged to the credit of the Accountant-General of the said court, the same shall be lodged to the credit of the court hereby constituted, and abide the order thereof, as if the sales had been made on an original application to the same, unless the Court shall deem it expedient to transfer such fund to the Court of Chancery; and in every case where a sale shall be so made by the "Landed Estates Court, Ireland," in pursuance of an order of the Court of Bankruptcy and Insolvency, the purchase-money upon the same shall abide the general or special orders of the said last-mentioned Court, or which may be in force for the regulation of the same, or otherwise, as if such sale had been made directly under the said Court of Bankruptcy and Insolvency, and this Act had not been passed: Provided nevertheless, that if on such investigation of title as in the last section mentioned it shall appear to the Court that the title is insufficient, and such as the Court ought not and would not sell if the proceedings had been originally instituted in the "Landed Estates Court, Ireland," the judge shall refuse to sell, and shall certify and report such refusal and the reason thereof to the Court by which such decree or order shall have been made, together with such other matters relating to the defect in such title as to the judge shall seem expedient, but subject to such appeal as is herein provided from the orders of the judge.

51. *Owner may obtain a Declaration of indefeasible Title from Court.—Effect of Declaration.—Registry of Declaration.* Where any owner of an estate in fee simple in land, whether subject to any fee farm or other perpetual rent, in Ireland, shall desire to have his title thereto investigated by the Court, and a judicial declaration made thereon that he has a good and sufficient title to the same, as alleged by him, with view to future sale, mortgage, or registration thereof, or other objects, it shall be lawful for him to make an application to the Court for that purpose, whereupon the said Court shall investigate such title and give such notices, by advertisement or otherwise, as the Court may by general or special order direct, and otherwise proceed in like manner as if a sale of such land had been sought by the owner; and if such title shall appear satisfactory to the Court, it shall be lawful for the judge to make and sign a written declaration to that effect, which shall be sealed with the seal of the Court, and shall state, in a schedule thereto, any leases, tenancies, and incumbrances, to which the Court shall find such estate subject; and such declaration, so signed, sealed, and registered as hereinafter mentioned, shall have the effect of making such title so described in such declaration (but subject to the leases, tenancies, and incumbrances referred to in such schedule) conclusive and indefeasible from the date of signing thereof by the judge, in like manner as same would have been vested in a purchaser upon a sale and conveyance to him by the Court upon an application to it for a sale of the said land; and it shall and may be lawful for such owner to have such declaration registered in the office for the registry of deeds in Ireland, which original declaration the registrar of such office is hereby authorised and directed to file as he is now bound by law to do in respect to memorials of deeds, and shall receive such fees on the registration of such declaration as are now chargeable on the registration of deeds; and the registrar shall enter in the books of the registry the name of the person mentioned in said declaration as having such title, and the name and description of the lands therein set forth, and shall refer to same on a requisition for searches in like manner as he is now bound by law to enter the names of parties and lands as described in memorials of deeds, and make such return on requisitions as aforesaid; and the registrar shall from time to time give attested copies of such declarations to any persons who shall require the same, on payment of the fees payable in respect of copies of memorials, and such copies of declarations shall have all the effect in evidence which has been given by any statute now in force with respect to memorials of deeds registered in the said office: Provided always, that no registration of such a declaration shall be permitted by the said registrar of deeds, unless the declaration be lodged with him within one week from the date of the execution thereof by the judge, and unless an affidavit of the execution of the same by such judge shall be made by a solicitor presenting the same, which affidavit the said registrar is hereby empowered to admi-

nister, and any person swearing falsely in any such affidavit shall be subject to all the penalties and punishment affixed by law to the crime of perjury; and the said Court shall keep a record of such declaration in such form and manner as shall be provided by a general order: Provided that if after such investigation of title under this section the owner may be at liberty, instead of obtaining such declaration, to have the land sold and conveyed by the Court, and the fund realised by such sale disposed of as if the application had been originally to that effect.

52. *On Application for a Declaration of Title the Court shall direct Publication thereof to be made by Advertisement.* When and so soon as any application shall be made to the Court for a declaration of title under this Act, the first act of the Court in reference to such application shall be to cause publication thereof to be made by advertisement in such manner as the Court shall direct; and when and so soon as the Court shall make a rule, order, or decision as to the sufficiency of the title of the person applying for a declaration thereof as aforesaid, the Court shall cause such order or decision to be published in such manner as the Court shall direct; and such declaration shall not be signed by the judge until after the expiration of three calendar months from the first publication hereintoforesaid, and of one calendar month after the publication of such rule, order, or decision; provided that no appeal shall lie from the declaration of title when signed by the judge and registered as aforesaid.

53. *Power of Court to sell, and Proceedings thereon.* If, upon any application for a sale, conveyance to a vendee, or declaration under this Act, or the execution of any decree or order for a sale directed by the Court of Chancery or Bankruptcy and Insolvency in Ireland respectively, or upon any information or evidence which may be received by and produced to the judge in relation to the matter of such application or reference, it shall appear to the judge that a sale or conveyance of the land to which the application, decree, or order may relate, or any part thereof, or conveyance to a vendee or declaration of title, may be found expedient, he shall direct notices to be given to such persons and in such manner as he shall think fit, and shall, where any parties interested in the land apply to the Court for that purpose, hear such parties, by themselves, their counsel or solicitors, and shall, so far only as may be necessary to enable him to determine whether, under all the circumstances, it is expedient that a sale of all or any part of the land should be made, or conveyance to a vendee be executed, or a declaration of title should be made, investigate the title and the incumbrances affecting the land, and the state and circumstances of the land, and, according as it shall seem so expedient to the judge, it shall be lawful for him, at his discretion, to make or refuse an order for the sale of all or any part of such land, or for a conveyance to such vendee, or a declaration of title accordingly, in manner aforesaid, or, if he see fit, he may dismiss any original application in such matter, or report or certify the insufficiency of the title to the Court of Chancery or Court of Bankruptcy and Insolvency in manner aforesaid.

54. *Court to ascertain Tenancies, Right of Common, &c.—Sale may be made subject to annual Charge or Apportionment thereof.—Court may sell subject to annual Charge.* Where a sale shall be made or a conveyance executed or a title declared under this Act the judge shall, when and so far as he may deem necessary for the purpose of such sale, conveyance, or declaration, ascertain the tenancies of the occupying tenants and of any lessees or under-lessees whose tenancies, leases, or under-leases, and other such rights as aforesaid, affect the land or part thereof to be sold, conveyed, or to be the subject of such declaration, and the rights of persons claiming right of common, rights of way, or other easements in such lands, and shall also ascertain the boundaries thereof, and may give such notices and make or cause to be made such inquiries as he may think necessary for ascertaining and securing the rights of such tenants, lessees, under-lessees, or persons having such easements as aforesaid, and for ascertaining the boundaries of such lands; and all occupying tenants, and all persons being or claiming to be lessees or under-lessees as aforesaid, or claiming such right of common, right of way, or other easement, shall, at such times and places as the judge may by his notices require, produce all leases, under-leases, agreements in writing, or deeds or instruments under which such tenant or person occupy or claim to hold, or such persons claim such easements, if such leases, under-leases, or agreements, or counterparts thereof, or such deeds or instruments, be in their possession or power, and where they occupy or claim to hold under leases, under-leases, or agreements in writing not in their possession or power, or under parol agreements or lettings, they shall deliver, at such times

and places as aforesaid, particulars of the terms and conditions upon and subject to which they occupy or claim to hold; and such persons as may claim right of common, right of way, or other easements, or who may dispute such alleged boundaries, shall also in like manner deliver particulars of such rights or such grounds of objection to such boundaries, and shall sustain such claims or objections; and the sale, conveyance, or declaration shall be made subject to the tenancies, leases, or under-leases, rights of common, rights of way, or other easements, and to such boundaries, ascertained as aforesaid, and subject to which the owner, incumbrancer, or other person applying for a sale, conveyance, or declaration under this Act shall be owner or incumbrancer, and such other of the tenancies, leases, and under-leases, or easements, ascertained as above, as shall appear to the said judge to have been granted bona fide by the owner or person in possession or in receipt of the rents and profits, and subject to which it shall appear to the said judge the sale, conveyance, or declaration should be made, save such (if any) of such respective tenancies, leases, and under-leases as, with consent as hereinafter mentioned, shall be included in such sale, and where the said judge shall think fit be made subject to any leases, under-leases, or tenancies, according to any general description, or subject to any condition concerning any leases, under-leases, or tenancies or easements the nature of which shall not have been ascertained or shall be disputed; and the decision of the said judge in relation to such claim under leases or of easement, or in relation to such boundaries, shall be final and conclusive as to all persons whatsoever, but subject to the appeal hereby provided from the orders of the judges; and when the said judge shall think fit, such sale, conveyance, or declaration may be made subject to any annual charge affecting the land or part thereof sold, or to any such apportioned part of such annual charge as the judge may think fit should remain charged thereon; and where such estate in land or part thereof is subject to any incumbrance under the terms of which the incumbrancer cannot be required to accept payment of the principal money before the expiration of a term of years unexpired, such sale or conveyance may, if the said judge think fit, be made subject to such incumbrance; and the Court shall have power, upon any application for sale, whether now pending before the Commissioners for Sale of Incumbered Estates, or to be hereafter made under this Act, to sell and convey any land subject to any right, title, or estate to or in dower, jointure, or annuity.

55. *Sale to be had under Control of Court either by Public Auction or by Private Contract, and Conveyance to be made by Judge under Seal.* Where the said judge shall make an order for sale, the land or part thereof to which such order shall relate shall be sold, by or under the control and direction of the said judge, by public sale or private contract, together or in lots or parcels, at such times and places and generally in such manner as the said judge may think fit, and the conveyance or assignment of the land or part thereof shall be made by the said judge under the seal of the Court, and shall be signed by the said judge, and the execution by any other party shall be unnecessary; and such conveyance or assignment shall express or refer to the tenancies, leases, and under-leases, rights of way, rights of common, or other easement (if any), and charges (if any), subject to which the sale is made, and may be in the form contained in Schedule B. to this Act, or to the like effect, with such limitation of uses and other additions or variations as, with the approval of the said judge, the purchaser may direct: Provided, that every conveyance made under or in pursuance of this Act shall set forth the full amount of the purchase-money or consideration and other facts upon which the amount of stamp duty shall depend.

56. *Purchase-money to be paid into Bank.* The purchase-money in every case shall be paid into the Bank of Ireland to an account to be there opened in the name of the "Landed Estates Court, Ireland," or otherwise as the Court by general rule or special order shall direct; and on the notification by the Bank to the said Court of the receipt of the money, a certificate of such payment shall be indorsed on or written at the foot of the conveyance or assignment by the judge who shall execute the same; and on such payment into the Bank the purchaser shall be discharged from all liability in respect of the application of the money so paid, and such certificate of the judge under the seal of the Court shall be evidence of the payment.

57. *Persons interested may bid at Sale, except Petitioner, or Person having Carriage of Sale, who may bid by Permission of the Court.*—Incumbrancers becoming Purchaser may deduct the Amount of his Incumbrance from the Purchase-money, with leave

of Court.] Provided always, That it shall be lawful for any incumbrancer on, or person otherwise interested in, any land or rent-charge, or part thereof (other than the incumbrancer or owner upon whose application the sale has been ordered, or the person having carriage of the sale, or attorney or solicitor of such incumbrancer or owner as last aforesaid, or of the person having carriage of the sale), to bid at any public sale, and to become the purchaser at any public sale or by private contract, in like manner as any person not interested therein might bid and become the purchaser; and, by leave of the said judge, it shall be lawful for the incumbrancer or owner on whose application the sale has been ordered to bid and become the purchaser; and where an incumbrancer on any land, or part thereof, shall be the purchaser of such land or part thereof, the judge may, if he think fit, authorise such purchaser to retain out of the purchase-money the amount which might have been ordered to be paid thereout in respect of such incumbrance in case the whole purchase-money had been paid into the Bank of Ireland under this Act, or such sum on account of such amount as the judge may think fit, and to pay the residue only of the purchase-money into the said Bank; and where, at the time of authorising such retainer as aforesaid, the said judge shall not finally have ascertained and determined the priority and rights of such purchaser in respect of his incumbrance, or the amount which he would be entitled to be paid in respect thereof out of the purchase-money, such retainer shall be without prejudice to the power of the said judge to require such purchaser to pay into the said Bank the whole or any part of the amount so retained which ought to be paid by him, and the said judge shall withhold his certificate of payment herebefore mentioned until he shall be satisfied that the full purchase-money, less the amount which such purchaser would be entitled to be paid in respect of his incumbrance, has been paid into the said Bank.

58. *Court may include Arrears of Rent in Sale of Land.* Where a sale is made by the Court under the said recited Acts or this Act of any land or lease, it shall be lawful for it, whenever it shall appear to such Court convenient so to do, to include in such sale all or any part of the arrears of rent, if any, which may at the time of the sale be owing from any lessees or tenants, subject to whose leases or tenancies the sale is to be made, where such arrears are subject to any incumbrance in respect of which an incumbrancer shall have obtained an order for sale, or where the order for sale has been obtained by the owner, and in the conveyance or assignment of such land or lease to assign such arrears to the purchaser accordingly, and such purchaser, his heirs, executors, administrators, or assigns, shall, after such assignment of the said arrears, have for the recovery, and in respect of the non-payment thereof, the same rights and remedies which the person or persons who would have been entitled to such arrears would have possessed if no such assignment thereof or any conveyance or assignment of such land or lease had been made.

59. *Where Sale of undivided Share, the Court may include the other undivided Share at the Instance of its Owner.* Where there is or shall be an application to the Court for the sale of any undivided share of any land, it shall be lawful for the Court, where it shall see fit so to do, upon the application of the owner of any other undivided share or shares of the same land or lease (and although such other undivided share be not subject to any incumbrance), or on the application of any incumbrancer on such other undivided share or shares, to include the same share or shares, upon such terms as it shall see fit, with the shares so proposed to be sold as aforesaid, and in every such case the Court shall apportion the purchase-money among the owners, according to their respective shares so sold, and shall apportion the expenses as they may see fit.

60. *Court may order Conversion of Leaseholds in Perpetuity into Fee Farm.* Where the Court has ordered or shall order the sale of any lease in perpetuity, it shall and may be lawful for the Court, if it shall think it expedient so to do, to cause the same to be converted into a fee farm under the Renewable Leasehold Conversion Act, and for that purpose to cause notice to be given to the owners or other person interested in the reversion, or any person on behalf of such owner or other persons, or any person deemed owner under the provisions of the Leasehold Conversion Act; and the Court may thereupon proceed to convert such lease in perpetuity into a fee-farm grant, according to the principles prescribed in the Renewable Leasehold Conversion Act, but the procedure in relation therein shall be according to the general rules and practices of the said Court; and in case such conversion shall be ordered the Court shall have power to convey the land included in such lease to

the purchaser in fee, subject to the fee-farm rent, to be ascertained as aforesaid, and to such exceptions, reversions, covenants, and clauses as shall be in conformity with the original lease, and the provisions of the Renewable Leasehold Conversion Act, and thereupon the owner of the immediate reversion expectant on the said lease in perpetuity for the time being shall have the same rights and remedies against the purchaser, his heirs, executors, administrators, and assigns, and against the land, by action, distress, entry, or otherwise, in respect of such rent, and of any exceptions, reservations, covenants, and clauses contained in the said deed, as belong by law to the owner of any fee-farm rent created under the said Acts.

61. *Conveyance to Purchaser to pass Fee, subject to Tenancies, but discharged from all Estates and Incumbrances.—Conveyance of a Lease. Rent-charge, Annuity, or partial Estate to pass Estate created by the Instrument purporting to grant same.* Every such conveyance executed as aforesaid by the said judge purporting to pass an estate in fee simple shall be effectual to pass the fee simple and inheritance of the land, subject to such charges, tenancies, rights of common or other easements, leases, and underleases, as may be expressed or referred to therein as aforesaid, but, save as aforesaid, and as hereinafter provided, discharged from all former and other estates, rights, titles, charges, and incumbrances whatsoever of her Majesty, her heirs and successors, and of all other persons whomsoever; and every such conveyance or assignment executed by the said judge upon the sale of a lease or rent-charge or an annuity charged on land, or any partial or lesser estate than an estate in fee simple, shall be effectual to pass the estate created or agreed to be created by such lease, then remaining unexpired, or by the instrument creating such lesser or partial estate, rent-charge, or annuity, but subject as to such lease to the rent and covenants annexed to the reversion expectant on the determination of such lease, and as to such instrument creating such rent-charge, annuity, or partial or lesser estate, subject to such tenancies, rights of common or other easements, leases and under-leases, as shall be expressed or referred to in such conveyance or assignment, but, save as aforesaid, and as hereinafter provided, discharged from all rights, titles, charges, and incumbrances whatsoever affecting the leasehold estate or interest, rent-charge, annuity, or partial or lesser estate: Provided always, that where any land or lease, or part thereof, shall be sold and conveyed or assigned subject to any annual charge or apportioned part thereof, such annual charge or such apportioned part thereof (as the case may be) shall remain and be charged on and payable out of such land, or part thereof, as in the conveyance or assignment shall be expressed.

62. *Conveyance, &c., not to affect certain Charges made by virtue of 5 & 6 Vict. c. 89, and 10 & 11 Vict. c. 32, except where Court think fit to redeem Crown Rents, &c.* Provided always, That any conveyance, assignment, or declaration of title under this Act shall not prejudice or affect any rent-charge in lieu of tithes, crown rent, or quitrent charged upon or issuing out of any land, or any charge made by virtue of an Act passed in the 6th Vict., intitled "An Act to promote the Drainage of Lands and Improvement of Navigation and Water Power in connexion with such Drainage in Ireland," and the Acts amending the same, or by virtue of an Act passed in the 10th Vict., intitled "An Act to facilitate the Improvement of Landed Property in Ireland," save where the said Court shall think fit to redeem or apportion the crown-rents or quitrents, or any part thereof, or to pay off or redeem the charges under the said Acts or either of them, under the power hereinafter contained, and shall express in such conveyance or assignment that the land conveyed or assigned thereby is so conveyed or assigned discharged of all crown-rents or quitrents or charges under the said Acts or either of them, as the case may be, and in such case such land shall be so discharged accordingly: Provided always, that in every case in which application shall be made to the Court for the sale or conveyance of, or declaration of title to, the fee simple of any land or hereditaments, the judge, before making any final order for such sale, conveyance, or declaration, shall be satisfied that one calendar month's previous notice in writing of such application has been given to the Commissioners of her Majesty's Woods, Forests, and Land Revenues, on behalf of her Majesty or her successors, stating full particulars of the land or hereditaments for the sale or conveyance of, or declaration of title to, which application has been or is intended to be made, and of any rent payable to her Majesty or her successors in respect of the same.

63. *Court may order Delivery of Tenants' Leases, &c.* The Court shall have power to order the delivery to the purchaser, or as he shall direct, of all leases or counterparts of leases and

agreements, and other evidence of the tenancies, subject to which the sale shall be made, affecting the land or part thereof sold, and shall, on the application of any purchaser, issue an order to the sheriff to put such purchaser in possession of all such lands not in the occupation of lessees, under-lessees, of tenants, subject to whose leases, under-leases, or tenancies, the sale shall have been made, and who shall have attorned to such purchaser within a time to be limited in such order, and such order shall be executed by the sheriff in like manner as a writ for the delivery of possession.

64. *Application of Purchase-money.* The Court shall, out of the purchase-money to be received on any sale under this Act, where any sale has been made in any matter of a petition filed in the said court, allow and pay such costs of and consequential on the application for the sale and the expenses of and incidental to the sale, according to the provisions contained in the 12th section of the 16 & 17 Vict. c. 64, and the surplus of such purchase-money, after payment of such costs and expenses, shall, under the order of the Court, be applied in or towards payment or satisfaction of the incumbrances or charges, if any, which affect such land or part thereof, according to their priorities, and shall, subject as aforesaid, be paid to the owner where such owner was absolutely entitled thereto, or, where not so entitled, be laid out in the purchase of land, which shall be limited and settled to the same uses, upon the same trusts, for the same purposes, and in the manner as the land or part thereof sold stood settled or limited to, or such of them as shall be then subsisting or capable of taking effect; and until such money can be so laid out, it may, under such order as aforesaid, be transferred or paid over to the trustees to be appointed or approved by the Court, for the purpose of being so laid out as aforesaid, with such power for the investment thereof in Government stocks, funds, or securities, in the meantime, and such directions for the payment of the income of such investment in the manner in which the rents of the land to be purchased would be applicable, as the Court shall think fit: Provided always, that if by mistake or otherwise any purchase-money shall, under the provisions aforesaid, have been paid to any person or persons as being the person or persons absolutely entitled thereto when he or they were not so entitled, such money shall be deemed to have been paid to him or them upon an express trust to invest the same in the purchase of lands to be settled to the uses and upon the trusts to and upon which the lands sold stood limited, settled, and assured at the time of the sale.

65. *Court may invest at instance of Parties for their Benefit.* Where the judge shall be of opinion that from the nature of the case the proceedings must be protracted, the money so paid into the Bank as aforesaid may, by order of the Court, be invested in the purchase of any stocks, funds, or annuities transferable at the Bank of Ireland in such manner as shall be directed by any general or special order of the Court, and until the same shall be sold by order of the Court for the purposes of this Act, the dividends thereof shall from time to time be applied, under the order of the Court, in like manner as the rents of the land or lease, or part thereof, from the sale whereof the money invested in such stocks, funds, or annuities has arisen, would have been applicable, the investments in and sale of such stocks, funds, and annuities to be made through a stockbroker or stockbrokers to be appointed by the Court by general or special order, as the Court may think fit.

66. *Where it is expedient to appoint, change, or remove Trustees, Judge to make Orders as to vesting Property in new Trustees, as in 13 & 14 Vict. c. 60, and 15 & 16 Vict. c. 55.* Whenever in the course of proceedings in any petition matter pending before the Court it shall appear expedient to appoint, change, or remove trustees, it shall and may be lawful for the judge to make such orders and give such directions in reference to such appointment, change, or removal, and in reference to the vesting property in new trustees, as the Lord High Chancellor is empowered to make under the authority vested in him for such purposes by "The Trustee Act, 1850," and also by another Act passed in the 15th and 16th Vict., intitled "An Act to extend the Provisions of the Trustee Act, 1850," and by any other Act which may be passed in relation to trustees.

67. *Court may vest Property in new Trustees.* Whenever the Court shall appoint or direct the appointment of trustees for any of the purposes of this Act, it shall be lawful for the judge to make or to direct to be made such provisions as he shall think fit for the appointment of new trustees on any event to be determined by the Court.

68. *Court may provide for Redemption of certain Charges, and otherwise to facilitate the Distribution of the Purchase-money.*

It shall be lawful for the Court, with the consent in writing of the Commissioners of her Majesty's Woods, Forests, and Land Revenues, or one of them, to apportion any Crown rent upon or amongst the several lands liable to the payment thereof, or to charge the whole of any such rent on any part of the lands charged therewith in exoneration of the remainder of such lands, and every such apportionment or exclusive charge shall be binding on the Queen's Majesty and on every corporation and person, and the apportioned parts of any such Crown rent, or any such Crown rent so exclusively charged, shall thenceforth be issuing out of and chargeable upon the lands whereon the same may be apportioned or exclusively charged, but no such apportionment or exclusive charge shall in any manner prejudice or affect any reversion or remainder of the Crown in any lands originally charged with any such rent so apportioned or exclusively charged, nor shall the sale of any apportioned part of any Crown rent, or of any Crown rent so exclusively charged, or of any interest in the reversion or remainder of the Crown in the same lands, affect the right or interest of the Crown in any other part of the lands originally charged with any rent so apportioned or exclusively charged, either as regards the rent remaining unsold, or the Crown's interest in the remainder or reversion of such lands or otherwise; and it shall also be lawful for the Court to sell any land, or part thereof, discharged from any Crown rent or quit-rent which it may be enabled, and may, with the consent of the owner, think fit to purchase, or from any charge made by virtue of the said Acts of the 6th and 10th years of her Majesty, or either of them, which it may, with such consent, think fit to pay off or redeem; and in any such case, the Court shall, out of the money arising from the sale, and in preference to all other payments thereout, pay the consideration for the purchase of such Crown rent or quit-rent, or such sum as may be necessary for paying off or redeeming such charge; and it shall be lawful for the Court, where it shall think fit, to purchase, with the consent of the said Commissioners of Woods, any estate or interest of the Crown, in remainder or reversion, in the whole or any part of the lands for the sale or of declaration of title to which application has been made, or to pay to any person entitled to any annual or other charge, not being an incumbrance according to the definition of this Act, who may consent to accept the same, a gross sum in discharge or by way of redemption thereof or of a part thereof, and where a part only of any land or lease subject to any incumbrance or charge is sold, to charge the part not sold with such incumbrance or charge, or an apportioned part thereof, in exoneration of the money arising from the sale, and to enable or authorise persons to release the money arising from the part so sold from any incumbrance or charge, or to relinquish their claim on such money in respect thereof, without impairing or affecting such incumbrance or charge as to the remaining part of the land or lease originally charged; and the Court, where it shall think fit, may invest or provide for the investment of money to meet any annual or periodical charge, or any other charge, incumbrance, or interest, where, by reason of such charge, incumbrance, or interest being contingent or otherwise, it shall appear to the Court proper or expedient so to do, and otherwise may make such orders and directions for applying the money arising from any sale in such manner as will secure the convenient application thereof for the benefit and according to the rights of the parties interested in the land or part thereof from the sale of which the same shall have arisen.

69. *No Payment not being in full, to affect Right of Incumbrance for Balance, and no Payment in respect of any Incumbrance to impair Remedy over.* Provided always, that no payment under this Act towards discharge of what shall be due on any incumbrance or charge, not being payment in full, shall prejudice or affect any right or remedy of the incumbrancer or the person entitled to the charge in respect of the balance, otherwise than against the land, or part thereof, sold under this Act; and no payment under this Act for or in respect of any incumbrance or charge shall impair any right or equity of any persons out of whose estate such payment shall be made to be reimbursed or indemnified by any person or out of any other land or estate, except so far as the Court under any special circumstances shall order.

70. *Power to Court to order Money to be paid into Court of Chancery.*—10 & 11 Vict. c. 96; 11 & 12 Vict. c. 68.] Where any money arising from a sale under this Act is not immediately distributable, or the parties entitled thereto cannot be ascertained, or where from any other cause the Court may think it expedient for the protection of the rights and interests therein, the Court, at its discretion, may order such money, or any stocks, funds, or securities in which the same may have

been invested under this Act, to be transferred to the account of the Accountant-General of the High Court of Chancery, or (where the case may require) of the High Court of Chancery in England, in the matter of the parties interested in the same, to be described as the Court shall think fit and direct, in trust to attend the orders of such Courts respectively, and the Court may by its order declare the trust affecting such money, stocks, funds, or securities, so far as it may have ascertained the same, or state (for the information of the respective Courts) the facts or matters found by it in relation to the rights and interests therein, and the High Court of Chancery, Lord Chancellor, and Master of the Rolls, in England and Ireland respectively, may make such orders and give such directions in relation to any such moneys, stocks, funds, or securities, as shall be so transferred to the account of the Accountant-General of such respective Court, as such Court or judge respectively might make or give in relation to any trusts, moneys, stocks, or securities paid in, transferred, or deposited under the Act passed in the 11th year of her Majesty [10 & 11 Vict. c. 96], "For better securing Trust Funds, and for the Relief of Trustees," or the Act of the 11 & 12 Vict. [c. 68], for extending to Ireland the said Act of the 11th year of her Majesty, respectively; and no money transferred into the name of the Accountant-General of the Court of Chancery in Ireland, or paid out under this provision under any order of the Lord Chancellor or Master of the Rolls, shall be liable to seizure or pounce.

71. *Lands included in different Applications, and different Interests in the same Lands, may be included in the same Sale.* Where there shall be separate applications to the Court for sales under this Act of any land and of any lease in the same land, or there shall be such applications for sales of different undivided shares of any land or lease, it shall be lawful for the Court, where they shall see fit so to do, to include, with the consent of the persons by whom such respective application may be made or prosecuted, and of any other persons whose consent the Court may under the circumstances think fit to require in the same sale, upon such terms as they think fit, such land or lease, or such leases, or such several undivided shares as aforesaid; and where there shall be separate applications for sales under this Act of any land, and of any lease in other land, or if different lands or leases in different lands, it shall be lawful for the Court, where, from the lands being intermixed, or from other circumstances, it shall appear to them convenient so to do, to include, with such consent as aforesaid, such land or lease, or lands or leases, in the same sale, upon such terms as it may think fit; and where any land, or part thereof, subject to any incumbrance, is proposed or ordered to be sold under this Act, it shall be lawful for the Court, upon the application of the owner of any lease or under-lease, or estate in reversion, or other estate or interest whatsoever in the same land (and although such lease, under-lease, estate in reversion, or other estate or interest be not subject to any incumbrance, or would not, if subject to any incumbrance, be subject to be sold under an order of the Court under the provisions hereinbefore contained, or upon the application of any incumbrancer on any such lease, under-lease, estate, or interest, to include the same, upon such terms as they may see fit, in the sale of the land or lease, or part thereof, so proposed or ordered to be sold as aforesaid; and all the provisions of this Act applicable to any land subject to any incumbrance, and ordered to be sold under this Act, and to any incumbrance or charge upon such land, and the purchase-money arising from the sale thereof, and to the conveyance or assignment thereof, shall, so far as circumstances admit, extend and be applicable to every such lease, under-lease, estate in reversion, or other estate or interest to be so included in the sale; and in every such case as aforesaid the judge shall apportion the purchase-money and expenses as he shall see fit.

72. *If Land sold be subject to a Lease, &c., comprising other Land, or if Part of Lease in Perpetuity, &c., be sold, Court may apportion the Rent.* If any land to be sold under this Act shall be subject to a lease or under-lease for years or lives comprising other land at an entire rent, it shall be lawful for the Court to apportion the rent between the land to be sold and the remainder of the land subject to such rent; and where it is intended to sell under this Act a part only of any lease in perpetuity or other lease, it shall be lawful for the Court, where it shall think fit, and (having regard to the rights and interests of the owner of the reversion) it shall appear to the Court just so to do, to apportion the rent reserved by such lease between the land to be sold and the remainder of the land; and the Court shall direct notices of any such intended apportionment

as aforesaid to be given to such persons and in such manner as it shall think fit, and shall hear such parties as shall apply to them in relation thereto; and after such apportionment, and after the sale shall be completed, the owners of the reversion in the respective lands shall have the like remedies for the apportioned rents against the lands out of which the same shall be payable, and the owners and occupiers thereof respectively, as were subsisting for the entire rent before such apportionment, and all the covenants, conditions, and agreements of every lease or under-lease, except as to the amount of rent to be paid, shall, as regards the apportioned parts, remain in force in the same manner as they would have done in case no such application had taken place: Provided always, that the enactment in this section shall be deemed to apply to any rent reserved upon a lease, where the Court shall have sold or shall sell the reversion expectant upon such lease at different times or in different lots.

73. Provisions for Persons under Disability.] Where any person who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceedings under this Act, shall be a minor, idiot, lunatic, or married woman, the guardian, committee of the estate, and husband respectively of such person, may make such applications, give such consents, do such acts, and be party to such proceedings, as such persons respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of this Act; but a married woman entitled for her separate use (with or without power of anticipation) shall, for the purposes of this Act, be deemed a feme sole: Provided always, that where there shall be no guardian or committee of the estate of any such person as aforesaid being infant, idiot, or lunatic, or where any person, the committee of whose estate, if he were an idiot or lunatic, would be authorised to act for and represent such person under this Act, shall be of unsound mind, or incapable of managing his affairs, but shall not have been found idiot or lunatic under an inquisition, it shall be lawful for the Court to appoint a guardian of such person for the purpose of any proceedings under this Act, and from time to time to change such guardian; and where the Court sees fit it may appoint a person to act as the next friend of a married woman for the purpose of any proceeding under this Act, and from time to time remove or change such next friend.

74. Court may obtain Assistance of Accountants, Merchants, &c.] It shall be lawful for the said Court, or any judges thereof, in such way as they may think fit, to obtain the assistance of accountants, merchants, engineers, actuaries, or other scientific persons, the better to enable such Court or judge to determine on any matter at issue in any case or proceeding.

75. Fees to such Accountants, &c.] The allowance in respect of fees to such accountants, merchants, engineers, actuaries, or other scientific persons, shall, unless the Court or a judge shall have given any special direction in regard of the same, be regulated by the taxing officer of the court, subject to an appeal to the judge to whose court this matter shall be attached, whose decision shall be final.

76. Proceedings not to abate by Death.] Proceedings under this Act shall not abate or be suspended by any death or transmission, or change of interest; but in any such case of death or transmission, or change of interest, it shall be lawful for the Court, where it shall see fit, to require notices to be given to persons becoming interested, or to make any order for discontinuing, suspending, or carrying on the proceedings or otherwise in relation thereto, which to it may appear just.

77. Costs.] In every proceeding under this Act the Court shall have full power and discretion as to the giving or withholding costs and expenses, and as to the persons by whom, and the funds out of which, the same shall in the first instance or ultimately be paid, repaid, and borne, and shall and may apportion the same amongst such parties, and in respect of interest, rents, or income, and principal or corpus, as it shall see fit.

78. Costs of Petition for a Sale.] Provided always, that in the case of any petition for a sale the costs of the petitioner in respect of such petition and of any proceedings thereunder shall not (unless the judge shall otherwise direct) be payable out of the proceeds otherwise than in the same order of priority in which the incumbrance of the petitioner shall be payable; and provided also, that where a judge shall not order costs to be paid by a party unsuccessfully making or resisting an application to the Court, such judge shall state on the face of the order the reason why such costs have been withheld.

79. On Application for Sale of an undivided Share, or after Sale, Court may, on Application of Party interested, and giving Notices and hearing Parties, make Order for a Partition.] Where an application shall be made for a sale under this Act of an undivided share of any land, or where any such undivided share shall have been sold under this Act, and, either before or after the conveyance or assignment thereof under this Act, the Court, on the application of any party interested in such undivided share, or of the purchaser (as the case may be), and after causing to be given such notices to the owner or owners of the other undivided share or shares of the same land or lease as it may think fit, and hearing such parties interested in the respective shares as may apply to it, and making, or causing to be made, such inquiries as may enable it to make a just partition, may, if it shall think fit, make an order under its seal for the partition of such land; and in such order, or in a map or plan annexed thereto, shall be shown the part allotted in severalty in respect of each of the undivided shares in such land; and the Court shall have the like authorities, jurisdiction, and power, in relation to such partition under the direction of such Court; and the part so allotted in severalty in respect of each such undivided share by such order for partition as aforesaid shall, without any conveyance or other assurance in relation thereto, go and enure to and upon the same uses and trusts, and be subject to the same conditions, charges, and incumbrances, as the undivided share in respect of which the same is so allotted would have stood limited or been subject to in case such order had not been made; and the like order for a sale of the part allotted in respect of the undivided share to which the application for the sale shall relate may be made (where the order for partition is made before the sale), and the like proceedings had in relation to such sale, and the like conveyance or assignment may be made of the part allotted in respect of the share sold (where the order for partition is made after sale, and before conveyance or assignment), and with the like consequences in the several cases aforesaid, as if the application for a sale, or the sale (as the case may be), had been in respect of the part so allotted as aforesaid; and where any land or lease, or part thereof, to be sold under this Act, is subject to any lease, under-lease, or tenancy, under which the lessee, under-lessee, or tenants hold jointly or as tenants in common, it shall be lawful for the Court, on the application of any such lessee, under-lessee, or tenants, and after causing to be given such notices as it may think fit, and hearing such parties as may apply to it, and making such inquiries as it may think necessary, to make an order under its seal for the partition, as between such lessees, under-lessees, or tenants, of the land included in their lease, under-lease, or tenancy, and for the apportionment of the rent reserved or payable under such lease, under-lease, or tenancy; and after such order of partition the owner of the reversion in the respective parts of the land shall have the like remedies for the apportioned rents against the respective parts out of which the same shall be payable, and the lessees, under-lessees, or tenants holding such respective parts under such lease, under-lease, or tenancy, and such order of partition, as were subsisting for the entire rent before such partition and apportionment; and all the covenants, conditions, and agreements of every such lease, under-lease, or tenancy, except as to the amount of rent to be paid, shall, as regards the respective parts allotted on such partition, and the apportioned parts of the rent, remain in force as against the respective lessees, under-lessees, or tenants to whom under such partition such respective parts shall be allotted.

80. On Application for Sale, or after Sale, Court, on Application of Party interested, and with Consent, may make Order for Exchange.] Where an application shall be made for sale under this Act of any land, or part thereof, or where the same shall have been sold under this Act, and either before or after the conveyance or assignment thereof under this Act, if application be made to the Court by any party interested in such land, or by the purchaser (as the case may be), for the exchange of all or any part of such land for other land which the owner thereof may be willing to give in exchange, the Court may make, or cause to be made, such inquiries as they think fit, for ascertaining whether such exchange would be beneficial to the person interested in the respective lands, and cause such notices to be given to parties interested in the respective lands, as it may think fit; and if, after making such inquiries, and hearing such parties interested in the respective lands as may apply to them, the Court shall be of opinion that such exchange would be beneficial, and that the terms thereof as proposed, or as modified by it, with the consent of such owner as aforesaid, are just and reasonable, the said Court may make an order under their seal for such exchange accordingly, and in such order for exchange,

or in a map or plan annexed thereto, shall be shown the lands given and taken in exchange respectively under such order; and the land taken upon such exchange under such order shall, without any conveyance or other assurance in relation thereto, go and endure to and upon the same uses and trusts, and be subject to the same conditions, charges, and incumbrances, as the land given on such exchange would have stood limited or been subject to in case such order had not been made; and the like order for a sale may be made by the Court in respect of the land taken in exchange for any land to which the application for a sale shall relate (where the order for exchange is made before sale), and the like proceedings had in relation to such sale, and the like conveyance or assignment may be made in respect of the land taken in exchange for the land or part thereof sold (where the order for exchange is made after sale, and before conveyance or assignment), and with the like consequences in the several cases aforesaid, as if applicable for a sale, or the sale (as the case may be) had been in respect of the land taken in exchange.

81. *Partition may be made of Land where Shares are not subject to be sold under this Act.* It shall be lawful for the Court, on the application of the owners of the several undivided shares (not subject to be sold under this Act, or as to which no proceedings for a sale under this Act shall be pending,) of any land in Ireland who shall desire to effect a partition of such land, to make, or cause to be made, such inquiries as the Court may think fit for ascertaining whether such partition would be beneficial to the persons interested in such respective shares; and in case the Court shall be of opinion that the proposed partition would be beneficial, and that the terms thereof are just and reasonable, it shall make an order under their seal for such partition accordingly; and in such order, or in a map or plan annexed thereto, shall be shown the part allotted in severalty in respect of each such undivided share, and the part so allotted in severalty in respect of such undivided share by such order of partition shall, without any conveyance or other assurance in relation thereto, go and endure to and upon the same use, and be subject to the same conditions, charges, and incumbrances, as the undivided share in respect of which the same is so allotted would have stood limited or been subject to in case such order had not been made.

82. *Exchanges may be made of Lands not subject to be sold under this Act.* It shall be lawful for the Court, upon the application of the owner of lands in Ireland not subject to be sold under this Act, or as to which no proceedings for a sale under this Act shall be pending, who shall desire to effect an exchange of such lands, to make, or cause to be made, such inquiries as the Court may think fit for ascertaining whether such exchange would be beneficial to the persons interested in the respective lands; and in case the Court shall be of opinion that the proposed exchange would be beneficial, and that the terms thereof are just and reasonable, they shall make an order under their seal for such exchange accordingly; and in such order for exchange, or in a map or plan annexed thereto, shall be shown the lands given and taken in exchange respectively under such order; and the land taken upon such exchange under such order shall, without any conveyance or other assurance in relation thereto, go and endure to and upon the same uses and trusts, and be subject to the same conditions, charges, and incumbrances, as the land given upon such exchange would have stood limited or been subject to in case such order had not been made.

83. *Division of intermixed Land not subject to be sold under this Act.* It shall be lawful for the Court, upon the application of any number of persons who shall be separately owners of parcels of land for any estate in Ireland not subject to be sold under this Act, or as to which no proceedings for a sale under this Act shall be pending, so intermixed or divided into parcels of inconvenient forms or quantity that the same cannot be cultivated or occupied to the best advantage, but forming together a tract which may be divided into convenient parcels, and who shall desire to have the whole of such tract divided into convenient parcels, to be allotted in lieu of the old parcels, to make or cause to be made such inquiries as the Court may think fit, for ascertaining whether such proposed division and allotment would be beneficial to the persons interested in such lands; and in case the Court shall be of opinion that the proposed division and allotment would be beneficial, it shall make an order for the division and allotment thereof accordingly, with a map or plan thereunto annexed, in which shall be specified as well the parcels in which the several persons on whose application such order shall have been made were respectively interested before such division and allotment, as the several parcels allotted to them respectively by such order; and the parcels of land taken

under such division and allotment shall go and endure to and upon the same uses and trusts, and be subject to the same conditions, charges, and incumbrances, as the several lands which the persons taking the same shall have relinquished or lost in such division would have stood limited or been subject to in case such order had not been made.

84. *Notices of Partitions, Exchanges, and Divisions to be given.* Provided always, that in the case of land in which no proceedings for a sale under this Act shall be pending, no such order of partition, or of exchange, or of division and allotment, as aforesaid, shall be made by the Court until such notices by advertisement in public newspaper or newspapers as the Court shall direct shall have been given of such proposed partition, exchange, or division and allotment, and three calendar months shall have elapsed from the publication of the last of such advertisements; and in case before the expiration of such three calendar months any person entitled to any estate in, or to any charge upon, any land included in such proposed partition, exchange, or division and allotment, shall give notice in writing to the Court of his dissent from such proposed partition, exchange, or division, and allotment (as the case may be), the Court shall not make an order for such partition, exchange, or division and allotment, unless such dissent shall be withdrawn, or it shall be shown to the Court that the estate or charges of the party so dissenting shall have ceased, or that such estate or charges is not an estate or charge in respect of which he would be entitled in equity to prevent such partition, exchange, or division and allotment; but no such order as aforesaid shall be in anywise liable to be impeached by reason of any infirmity of estate or defect of title of the persons on whose application the same shall have been made.

85. *Conveyances, Assignments, and Orders for Partition, Exchange, or Division and Allotment, conclusive.* Every conveyance, assignment, and declaration respectively executed as required by this Act, and every order for partition or for exchange, or for division and allotment, made by the Court under its seal, shall for all purposes be conclusive evidence that every application, proceeding, consent, and act whatsoever which ought to have been made, given, and done previously to the execution of such conveyance, assignment, or declaration, or the making of such order respectively, has been made, given, and done by the persons authorised to make, give, and do the same; and no such conveyance, assignment, declaration, or order, shall be impeached by reason of any informality therein; and every such order shall operate, and may be registered in the office for registering deeds in Ireland, in like manner as if conveyances by way of partition, exchange, division, or allotment, had been executed for such purposes.

86. *Court not to be restrained by Injunction.* The Court shall not be subject to be restrained in the execution of its powers under this Act; nor shall any person be restrained from making application under this Act to the Court, or doing any other act or giving any consent under the provisions of this Act, by order or injunction of a Court of equity, or by writ of prohibition; nor shall the Court be required by writ of mandamus to do any act or take any proceedings under this Act; nor shall proceedings before them be removed by certiorari; and the judge of the Court shall not, nor shall any person acting under the order or authority of them or any of them, be liable to any action, suit, or proceeding for or in respect of any act or matter bona fide done or omitted by them respectively in the exercise or supposed exercise of the powers of this Act.

87. *Rights of Purchaser against Tenants.* Where any conveyance or assignment has been made before the passing of this Act by the Commissioners for the Sale of Incumbered Estates in Ireland, or shall hereafter be made by the Court, subject to any lease, under-lease, or tenancy, such conveyance or assignment shall be deemed to afford conclusive proof that the estate or interest purporting to be conveyed or assigned thereby is the reversion expectant upon such lease, under-lease, or tenancy; and it shall not be necessary, in any action arising out of or connected with such lease, under-lease, or tenancy, or in any pleadings in such action, to allege or prove the title of such reversion prior to the said conveyance or assignment; and the person to whom such conveyance or assignment is made, his heirs, executors, administrators, and assigns, and every of them, shall and may have and enjoy the like advantages against the lessees, under-lessees, and tenants, their heirs, executors, administrators, assigns, and under-tenants, and against all other persons in possession or occupation of the land comprised in such conveyance or assignment, by distress or by entry for non-payment of rent, or for doing of waste or other forfeiture, and also shall and may have and enjoy like advantages and reme-

dies by action for not performing other conditions, covenants, and agreements contained in such lease or under-lease, or in the parcel agreement for such tenancy, against the said lessors, under-lessees, and tenants, their heirs, executors, administrators, and assigns, as the person granting such lease or under-lease, or as the landlord entering into the agreement for such tenancy, or his heirs, executors, administrators, or assigns, ought to have had and enjoyed at any time or times, in like manner and form as if the reversion in such land expectant on such lease, under-lease, and tenancy, had remained or continued in such person granting such lease or under-lease, or as landlord entering into such agreement.

88. Duty payable on Proceedings.—Rate of Duty.] A duty shall be levied upon every estate which shall be sold, or conveyed under this Act, or of which a partition, exchange, or division shall be made by the Court, where no sale is to be effected by the Court, or of which the title shall be verified by declaration under this Act as aforesaid; and such duty shall be payable, in the proportion hereinafter mentioned, according to the value of such estate; and such value shall, when the estate shall be sold or conveyed, be estimated by the bona fide purchase-money, and where the Court shall make a partition, exchange, or division of land, or shall verify the title thereof by declaration as aforesaid, the value of such estate shall be ascertained by such means as shall be settled by a General Order of the Court; and such duty shall be the first charge upon the purchase-money, and where there shall be no sales, the duty shall be a first charge upon the estate conveyed, or the estate being the subject of such declaration of title as aforesaid, or the estates which shall be the subject of such exchange, partition, or division as aforesaid; and payment of such duty shall be enforced by such method as shall be determined by any General Order of the Court for that purpose; and such duty shall be paid so as to become and form part of the Consolidated Fund of Great Britain and Ireland in such manner as shall be determined by General Order of the Court, to be approved by the Commissioners of her Majesty's Treasury: The rate of such duty shall be 10s. upon every £100 of the gross value of the estate or estates which shall form the subject of each application to the Court, or reference from the Courts of Chancery or Bankruptcy and Insolvency respectively, where such value shall be less than £10,000, and 1s. upon every £100 of such gross value, where such value shall amount to £10,000 or upwards: Provided that it may be lawful for the Commissioners of the Treasury to lower or raise such rate of duty from time to time within the limit of the rate hereby provided as a maximum, according as such rate, or substituted rate, shall to them seem sufficient to provide a fund for the support of such Court: Provided always, that no such duty shall be payable in respect of any property which shall be sold in pursuance of an order of the Commissioners of the Incumbered Estates Court made before the passing of this Act.

89. Power to Commissioners of the Treasury to invest unproductive Cash.] Whereas it has been found that a large sum in cash, the produce of the sales under the Court for the Sale of Incumbered Estates in Ireland, has, from time to time, been lying unproductive in the Bank of Ireland: And whereas there is reason to expect that a large sum in cash, the produce of sales under the Court hereby constituted, will be unproductive, unless the same shall be rendered profitable in the manner hereinafter provided: Be it therefore enacted, that it may be lawful for the Commissioners of her Majesty's Treasury, at their discretion, to make such arrangements, from time to time, as to them shall seem expedient, for the investment in public funds or in exchequer bills or exchequer bonds of so much as they may think fit of the cash, being the proceeds of sales lodged in the Bank of Ireland under the provisions of this Act, as in their opinion, after reference to, and report from, the judges of the said Court, may not be required to meet the payments or special investments which may from time to time be ordered by the Court; or, if the said Commissioners shall think fit, it shall be lawful for them, at their discretion, to make such other arrangements with the said Bank as they may deem expedient for rendering such cash, or such part thereof as aforesaid, productive while deposited in the said Bank; and the dividends, interest, or other annual proceeds derived from such public securities, or from any other arrangements with the said Bank, shall be paid to and form part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided that if at any time the whole or any part of the securities in which such cash may be so invested shall be wanted to answer any of the demands of the parties entitled thereto in the several matters pending in the said Court, then and in such case the

said Commissioners, on the certificate from the Court of such want, may direct such securities, or any part thereof, to be disposed of, in order that such parties may at all times be paid the sums in full to which they may be respectively entitled.

90. Persons swearing falsely to be punished for Perjury.] Every person who, upon examination upon oath, affirmation, or declaration before the Court, or any of the judges thereof, or any person appointed and authorised under this Act by the Court, or by any general or special order thereof, to administer such oath, affirmation, or declaration, shall wilfully give false evidence, and every person who shall wilfully swear, affirm, or declare falsely in any affidavit authorised under this Act to be received in evidence by the Court, shall be liable to the pains and penalties of perjury.

91. Act only to extend to Ireland.] This Act shall, except as far as the special provisions of the same otherwise require, extend only to Ireland.

SCHEDULE A.

FORMS OF CONVEYANCE ON SALES BY THE COURT [which may be used with such Variations as the Circumstances may appear to the Court to require].

I, A. B., one of the judges of the "Landed Estates Court, Ireland," under the authority of an Act passed in the — year of the reign of Queen Victoria, intituled [here set forth the title of this Act], in consideration of the sum of — by E. F. of —, &c., paid into the Bank of Ireland [or other bank, as the case may be], to our account, to the credit of —, do grant unto the said E. F. all [here describe the premises to be sold], to hold the same unto the said E. F., his heirs and assigns [or, in the case of a chattel interest in a lease, his executors, administrators, and assigns], for ever [or for the unexpired term created by a certain lease, describing the lease, as the case may be], subject to [here specify, where the sale is made subject thereto, the tenancies, leases, under-leases, or charges, either by reference to a schedule or otherwise].

In witness whereof, I, the said A. B., have hereunto set my hand and the seal of the said Court, this — day of — in the year of our Lord A. B. (Seal of the Court.)

The Certificate of Payment to be endorsed on or written at the Foot of the Conveyance or Assignment may be in the following Form:—

I certify, That the within [or above] mentioned sum of — was paid in the Bank of — or to the account and credit within [or above] mentioned, on the — day of —.

A. B. (Seal of the Court.)

CAP. LXXIII.

An Act to amend the Law concerning the Powers of Stipendiary Magistrates and Justices of the Peace in certain Cases.

[2nd August, 1858.]

BE it enacted, &c., as follows:—

1. A Stipendiary Magistrate may do alone all Acts authorised to be done by Two Justices.] Every stipendiary magistrate appointed for any city, town, liberty, borough, place, or district, sitting at a police court, or other place appointed in that behalf, shall have power to do alone any act, and to exercise alone any jurisdiction, which under any law now in force, or under any law not containing an express enactment to the contrary hereafter to be made, may be done or exercised by two justices of the peace, and all the provisions of any Act of Parliament auxiliary to the jurisdiction of such justices shall be applicable also to the jurisdiction of such stipendiary magistrate.

2. Foregoing Enactment to extend to Acts required to be done at Petty Sessions.] The authority and jurisdiction given to a stipendiary magistrate by the enactment hereinafter contained shall extend and apply as well to the cases where the act or jurisdiction is or hereafter may be expressly required to be done or exercised by justices sitting or acting in petty sessions as to other cases, and any enactment authorising or requiring persons to be summoned or to appear at such petty sessions shall in the like cases authorise or require persons to be summoned or to appear before the stipendiary magistrate having jurisdiction at the police court or other place appointed for his sitting.

3. Saving of Jurisdiction of Quarter Sessions and Special Sessions, and as to Licenses.] Nothing hereinbefore contained shall extend to acts to be done or jurisdiction to be exercised at the general or quarter sessions of the peace, or to acts or jurisdiction expressly required (by any existing or future law) to be done or exercised at special sessions, or to any act or jurisdiction in relation to the grant or transfer of any license.

4. Saving as to Metropolitan Police Magistrates.] Nothing hereinbefore contained shall extend, alter, or affect in any manner the powers or authorities of the magistrates appointed or to be appointed to the police courts in the metropolitan police district.

5. As to Extent of sect. 22 of 11 & 12 Vict. c. 43.] Sect. 22 of the 11 & 12 Vict. c. 43, shall extend, and be deemed to have extended, to all cases in which it is returned to a warrant of distress issued under the authority of such Act for levying any penalty, compensation, or sum of money adjudged or ordered to be paid by any conviction or order, that no sufficient goods of

the party against whom such warrant was issued can be found, where the statute on which the conviction or order is founded provides no mode of raising or levying such penalty, compensation, or sum of money, or of enforcing payment of the same, as well as to cases where the statute on which the conviction or order is founded authorises the issuing thereon of a warrant of distress.

6. Section 18 of 2 & 3 Vict. c. 71, amended.] So much of sect. 18 of the 2 & 3 Vict. c. 71, as makes void (except in the cases therein excepted) "every summons or warrant issued by any justice of the peace of the counties of Middlesex, Surrey, Kent, Essex, or Hertfordshire respectively, requiring any person residing within the metropolitan police district to appear at any place without the said district to answer any information or complaint touching any matter arising within the said district," shall not apply to any such summons or warrant in respect of any matter arising within any part of the said district not assigned for the time being to any of the police courts of the metropolis.

7. Magistrates acting for Places in the Metropolitan Police District within which no Police Court is established may commit certain Offenders to any Gaol in and for the County &c. in which Offence shall have been committed.] In every case in which any person shall be brought before any police magistrate, or any two magistrates acting within the said metropolitan police district for any place within which no police court shall have been established, for any offence under the 24th sect. of the 2 & 3 Vict. c. 71, such police magistrate, or such magistrates acting in and for such place, may hear and determine the matter, and in case of conviction may commit the offender to be imprisoned in any gaol or house of correction in and for the county, liberty, or place in which such offence shall have been committed, though not within the said metropolitan police district, and with or without hard labour, for any time not exceeding two calendar months, and in their discretion without the infliction of any fine in default of payment of which such imprisonment might be adjudged.

8. Repeal of certain Acts and Parts of Acts herein named.] And whereas an Act was passed in the 59th Geo. 3, c. 28, "To empower Magistrates to divide the Court of Quarter Sessions," which Act has been amended by sect. 4 of the 7 Will. 4 & 1 Vict. c. 19, and by sect. 4 of the 5 & 6 Vict. c. 38; and it is expedient to make further provision in relation to the division of Courts of Quarter Sessions:

The said Act of the 59 Geo. 3 and the said sections shall be repealed, but not so as to affect any orders, rules, and regulations made before the passing of this Act.

9. Power to divide Courts of Quarter Sessions, General Sessions, and adjourned Sessions.] Whenever and so often as any Court of Quarter Sessions or General Sessions or adjourned Quarter Sessions of the Peace is assembled for the despatch of business, the justices then present may, if and when in their discretion they see fit so to do, appoint two or more justices, one of whom shall be of the quorum, to form a second Court, for the purpose of hearing and determining such business as may be referred to them, and the proceedings by and before such second Court shall be as good and effectual in the law, to all intents and purposes, as if the same were had before the Court assembled and sitting as usual in its ordinary place of sitting, and shall be enrolled and recorded accordingly.

10. Regulations made for the Apportionment of Business need not be renewed at each Session.] When a second Court is formed as aforesaid, and orders, rules, and regulations have been made for the apportionment of business, such orders, rules, and regulations shall continue in force as long as may be thought expedient, without the necessity of renewing such orders, rules, and regulations at each succeeding session.

11. Clerk of the Peace to appoint a Person to record the Proceedings of such separate Court.] The clerk of the peace or his deputy, wherever a second Court is formed as aforesaid, shall appoint a fit and sufficient person to record the proceedings so had before the justices at such second Court, and such proceedings shall be delivered over to the clerk of the peace or his deputy, and shall be deemed to be a part of the records of the session, as if the same proceedings had been recorded by the clerk of the peace himself; and it shall be lawful for the justices assembled at the sessions to make an order upon the treasurer of the county to pay to the clerk of the peace such sum as they shall deem a fit and reasonable remuneration to the clerk of the peace for such purpose as aforesaid; and it shall be lawful for such justices to appoint an additional clerk,

and to grant him such remuneration (to be paid by the treasurer of the county) as they deem reasonable.

12. Time from which Sentences of certain Courts shall take effect.] Every sentence pronounced by any Court of General or Quarter Sessions or adjourned Sessions of the Peace shall take effect from the time of the same being pronounced, unless the Court otherwise directs.

13. Stipendiary Magistrate may appoint a deputy, with approval of Secretary of State.] It shall be lawful for any stipendiary magistrate, with the approval of the Secretary of State for the Home Department, to appoint a deputy, who shall have practised as a barrister-at-law for at least seven years, to act for him for any time or times not exceeding six weeks in any consecutive period of twelve calendar months; and every deputy so appointed, during the time for which he shall be so appointed, shall have all the powers and perform all the duties of the stipendiary magistrate for whom he shall have been so appointed.

14. Power to appoint County Stipendiary Magistrates to be Magistrates of the Metropolitan Police Courts.] It shall be lawful for her Majesty to appoint any stipendiary magistrate acting for any city, town, liberty, borough, or place in England or Wales, to be a magistrate of any one of the police courts of the metropolitan police district, although such stipendiary magistrate shall not have practised as a barrister during at least seven years then last past, nor shall have practised as a barrister for four years then last past, having previously practised as a certificated special pleader for three years below the bar.

15. Extent of Act.] This Act shall extend only to England.

CAP. LXXIV.

An Act for the Re-arrangement of the Districts of the County Courts among the Judges thereof. [2nd August, 1858.]

WHEREAS under the provisions of an Act, 9 & 10 Vict. c. 95, certain districts are constituted for the purpose of holding therein county courts, and such districts are divided in unequal numbers among the sixty judges of such courts: And whereas it is expedient that provision should be made for the better division of the business of the said courts among the judges thereof: Be it enacted &c. as follows:

1. Lord Chancellor may alter and re-distribute the Districts of the Courts among the Judges thereof.] The 19th section of the said Act is hereby repealed; and it shall be lawful for the Lord Chancellor from time to time to alter the distribution of the districts among the judges of county courts, and for that purpose to remove any judge of a county court from all or any of the districts of which he is the judge, for the purpose of appointing him to any other district or districts, or to appoint any such judge to be the judge of any district or districts in addition to the district or districts of which he is the judge.

2. Two Persons may be appointed the Judges of one or more Districts.] The Lord Chancellor may from time to time appoint two persons to be the judges of a district or districts, and may make such regulations as to their respective sittings or otherwise as to the division of their duties, as he may think right; and each of the persons when acting as such judge shall have all such powers and authorities as if he had been sole judge of such district.

3. Number of Judges not to exceed Sixty.] Unfil Parliament shall otherwise direct, the judges of the county courts shall not exceed sixty in number.

4. Rule or Order requiring a Judge or Officer of a County Court to perform certain Duties to be issued only by a Superior Court.] Whereas it is desirable that the powers given by sect. 43 of the 19 & 20 Vict. c. 108, to any superior court, or a judge thereof, should be exercised only by such superior court and not by a single judge: Be it enacted, that no rule or summons requiring a judge or an officer of a county court to show cause why any act relating to the duties of his office should not be done, nor any rule or order directing such act to be done, shall be issued or made except by the superior court, and the said sect. 43, and any provisions of the said Act having reference thereto, shall be read and construed as if the words "or a judge thereof" were not inserted in the said section.

5. Provision of 17 & 18 Vict. c. 125, as to referring Causes to County Courts, repealed.] So much of the Common Law Procedure Act, 1854, as enables any one of her Majesty's Superior Courts of Common Law at Westminster, or any judge thereof, to refer any cause to the judge of any county court, is hereby repealed.

CAP. LXXV.

An Act to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies. [2nd August, 1858.]

WHEREAS, by the 7 & 8 Vict. c. 85, s. 6, it is enacted, amongst other things, with respect to the cheap trains thereby required to be provided in certain cases, that the fare or charge for each third class passenger by any such train shall not exceed one penny for each mile travelled: And whereas it is expedient to amend the said Act in manner hereinafter mentioned: And whereas it is also expedient to amend the 8 & 9 Vict. c. 42, intituled "An Act to enable Canal Companies to become Carriers of Goods upon their Canals," by restraining as hereinafter mentioned the exercise of certain powers therein contained: Be it enacted &c. as follows:—

1. *For Fractions under One Mile One Penny may be charged, and for Fractions exceeding Half a Mile, where the Distance amounts to One Mile or more, One Halfpenny may be charged.* When the distance travelled by any third class passenger by any train run in compliance with the provisions relating to cheap trains contained in the 7 & 8 Vict. c. 85, is a portion of a mile, and does not amount to one mile, the fare for such portion of a mile may be one penny, or when such distance amounts to one mile, or two or more miles, and a portion of another mile, the fare or charge for such portion of a mile, if the same amounts to or exceeds one half mile, may be one halfpenny: Provided always, that for children of three years and upwards, but under twelve years of age, the fare or charge shall not exceed half the charge for an adult passenger.

2. *Rates heretofore charged not exceeding those allowed by this Clause not to be deemed excessive.* After the passing of this Act, no fare heretofore charged to or received from any third class passenger by any such train as aforesaid shall in any proceeding to be hereafter instituted be deemed to have exceeded the rate prescribed in such case by the said Act of 7 & 8 Vict. c. 85, if the same shall not have exceeded the rate of one farthing for each entire quarter of a mile travelled.

3. *Canal Companies, being also Railway Companies, not to take Leases of Canals unless specially authorised.* Notwithstanding anything contained in the said recited Act of 8 & 9 Vict., it shall not be lawful for any canal or navigation company, being also a railway company, or entitled to work any railway constructed under the authority of any Act of Parliament, hereafter to accept a lease of the whole or any part of the undertaking of any other railway and canal company or of any canal or navigation company, or of the tolls, dues, or charges upon or in respect of the whole or any part of such undertaking, except under the powers of some Act or Acts heretofore passed or to be hereafter passed in which the parties to any such lease shall be specifically named and authorised to enter into the same.

4. *Act to be in force for One Year.* This Act shall continue in force for one year next after the passing thereof, and thence to the end of the then next session of Parliament.

CAP. LXXVI.

An Act to simplify the Forms and diminish the Expense of completing Titles to Land in Scotland. [2nd August, 1858.]

CAP. LXXVII.

An Act to amend and extend the Settled Estates Act of 1856. [2nd August, 1858.]

WHEREAS it is expedient to amend and extend the Settled Estates Act of 1856 (19 & 20 Vict. c. 120) in certain particulars: Be it enacted &c. as follows:—

1. *Definitions of "Settlement" and "Settled Estates."* For the purposes of the definitions of "settlement" and "settled estates" contained in the 1st section of the said Act, all estates or interests in remainder or reversion not disposed of by the settlement, and reverting to a settlor, or descending to the heir of a testator, shall be deemed to be estates coming to such settlor or heir under or by virtue of the settlement.

2. *"Building Lease" to include Repairing Lease.* The term "building lease" in the said Act shall be deemed to include a repairing lease, so that no repairing lease shall be made for a term exceeding sixty years.

3. *Powers of Leasing to extend to Copyhold and Customary Tenants of Manors.* All the powers to authorise and to grant leases contained in the said Act and this Act shall be deemed to include powers to the lords of settled manors to give licences to their copyhold or customary tenants to grant leases of lands

held by them of such manors to the same extent and for the same purposes as leases may be authorised or granted of freehold hereditaments under the said Act and this Act.

4. *Extension of Power under Section 2 of recited Act as to Term for Building Leases.* The power given to the Court by the 2nd section of the said Act to extend the term thereby prescribed for building leases, where it shall be satisfied that it is the usual custom of the district, and beneficial to the inheritance, to grant building leases for longer terms, shall be extended and may be exercised with respect to all the other leases in the same section mentioned, except agricultural leases, provided the Court shall be satisfied that it is the usual custom of the district and beneficial to the inheritance to grant such leases for longer terms.

5. *As to Surrender of Leases.* The power conferred by the 5th section of the said Act to surrender leases granted under the provisions of the said Act shall be deemed to extend to all leases, whether granted in pursuance of the said Act or otherwise.

6. *As to taking Examinations of Married Women.* Whenever a married woman is resident out of the jurisdiction of the Court of Chancery of England or the Court of Chancery of Ireland respectively, as the case may be, her examination, under the 38th section of the Act, may be made by any person appointed for that purpose by the Court, whether he is or is not a solicitor of the Court; and the appointment of any such person, not being a solicitor, shall afford conclusive evidence that the married woman was at the time of such examination resident out of the jurisdiction of the Court.

7. *Extension of Power to rescind General Rules and Orders.* The power contained in the said Act to make and rescind general rules and orders shall extend to the matters to which this Act relates; and such rules and orders may, so far as may be found expedient, alter the procedure prescribed by the said Act and this Act.

8. *As to Validity of Demises under Section 33 of recited Act.* In addition to the persons expressly enumerated in the 33rd section of the said Act against whom demises authorised by the 32nd section are to be valid, such demises, in the case of unsettled estates, shall be valid against the wife of any husband making such demise of estates to which he is entitled in right of such wife.

CAP. LXXVIII.

An Act to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases.

[2nd August, 1858.]

WHEREAS it is expedient that the evidence taken before the committees of either House of Parliament on a private Bill should be available, if desired, before the committee of the other House to which the same Bill is referred, and that for this purpose the committees of the House of Commons on private Bills should be enabled to administer an oath to the witnesses examined before them; and it is also expedient for the convenience of the House of Lords that the committees of that House should be enabled to administer an oath to the witnesses examined before them, instead of such witnesses being as heretofore sworn at the bar of the House: Be it enacted &c. as follows:—

1. *Select Committees of House of Commons may examine Witnesses upon Oath, and administer the same.* Any select committee of the House of Commons to which any private Bill has been referred by the House may examine witnesses upon oath upon matters relating to such Bill, and for that purpose may administer an oath to any such witness.

2. *Any Committee of House of Lords may administer Oath.* Any committee of the House of Lords may administer an oath to the witnesses examined before such committee.

3. *False Evidence Perjury.* Any person examined as aforesaid who shall wilfully give false evidence shall be liable to the penalties of perjury.

CAP. LXXIX.

An Act to amend the Law relating to Cheques or Drafts on Bankers. [2nd August, 1858.]

WHEREAS it is expedient to amend the law relating to cheques or drafts on bankers: Be it therefore enacted &c. as follows:—

1. *The Crossing to be deemed a material Part of a Cheque or Draft, &c.* Whenever a cheque or draft on any banker, payable to bearer, or to order, on demand, shall be issued, crossed with the name of a banker, or with two transverse lines with the words "and Company," or any abbreviation thereof, such

crossing shall be deemed a material part of the cheque or draft, and, except as hereafter mentioned, shall not be obliterated or added to or altered by any person whomsoever after the issuing thereof; and the banker upon whom such cheque or draft shall be drawn shall not pay such cheque or draft to any other than the banker with whose name such cheque or draft shall be so crossed, or if the same be crossed as aforesaid without a banker's name, to any other than a banker.

2. *The lawful Holder of a Cheque uncrossed, or crossed "and Company," may cross the same with the Name of a Banker.* Whenever any such cheque or draft shall have been issued uncrossed, or shall be crossed with the words "and Company" or any abbreviation thereof, and without the name of any banker, any lawful holder of such cheque or draft, while the same remains so uncrossed, or crossed with the words "and Company" or any abbreviation thereof, without the name of any banker, may cross the same with the name of a banker; and whenever any such cheque or draft shall be uncrossed, any such lawful holder may cross the same with the words "and Company" or any abbreviation thereof, with or without the name of a banker; and any such crossing as in this section mentioned shall be deemed a material part of the cheque or draft, and shall not be obliterated or added to or altered by any person whomsoever after the making thereof; and the banker upon whom such cheque or draft shall be drawn shall not pay such cheque or draft to any other than the banker with whose name such cheque or draft shall be so crossed as last aforesaid.

3. *Persons obliterating, &c., Crossing with Intent to defraud, guilty of Felony.* If any person shall obliterate, add to, or alter any such crossing with intent to defraud, or offer, utter, dispose of, or put off with intent to defraud, any cheque or draft on a banker, whereon such fraudulent obliteration, addition, or alteration has been made, knowing it to have been so made, such person shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for life, or to such other punishment as is enacted and provided for those guilty of forgery of bills of exchange in the statute in that case made and provided.

4. *Banker not to be responsible for paying a Cheque which does not plainly appear to have been crossed or altered.* Provided always, That any banker paying a cheque or draft which does not at the time when it is presented for payment plainly appear to be or to have been crossed as aforesaid, or to have been obliterated, added to, or altered as aforesaid, shall not be in any way responsible or incur any liability, nor shall such payment be questioned by reason of such cheque having been so crossed as aforesaid, or having been so obliterated, added to, or altered as aforesaid, and of his having paid the same to a person other than a banker, or other than the banker with whose name such cheque or draft shall have been so crossed, unless such banker shall have acted mala fide, or been guilty of negligence in so paying such cheque.

5. *Interpretation of the word "Banker."* In the construction of this Act the word "banker" shall include any person or persons, or corporation, or joint stock company, acting as a banker or bankers.

CAP. LXXX.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

[2nd August, 1858.]

CAP. LXXXI.

An Act for confirming a Scheme as amended of the Charity Commissioners for Cowley's Charity in the Parish of Swineshead in the County of Lincoln.

[2nd August, 1858.]

CAP. LXXXII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons' Mates of the Militia; and to authorise the Employment of the Non-commissioned Officers.

[2nd August, 1858.]

CAP. LXXXIII.

An Act to make Provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen.

[2nd August, 1858.]

CAP. LXXXIV.

An Act for enabling the Commissioners of Public Works in Ireland to acquire certain Lands and Houses for the Site of a new Court or Courts, and other Offices and Buildings required for the Public Service, in Extension of the Four Courts in the City of Dublin; and for other Purposes.

[2nd August, 1858.]

CAP. LXXXV.

An Act to continue an Act to enable her Majesty to accept the Services of the Militia out of the United Kingdom.

[2nd August, 1858.]

CAP. LXXXVI.

An Act further to continue an Act to authorise the embodying of the Militia.

[2nd August, 1858.]

CAP. LXXXVII.

An Act to continue and amend the Corrupt Practices Prevention Act, 1854.

[2nd August, 1858.]

WHEREAS an Act was passed in the 17th & 18th Vict. c. 102, "To consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of Members of Parliament;" and by an Act of the 19 & 20 Vict. c. 84, the said first-mentioned Act was continued until the 10th of August, 1857, and thenceforth to the end of the then next session of Parliament: And whereas it is expedient that the said first-mentioned Act should be further continued and amended: Be it enacted &c. as follows:—

1. *As to Travelling Expenses of Voters.* It shall be lawful for any candidate, or his agent by him appointed in writing, according to the provisions of the first-mentioned Act, to provide conveyance for any voter for the purpose of polling at an election and not otherwise, but it shall not be lawful to pay any money or give any valuable consideration to a voter for or in respect of his travelling expenses for such purpose: Provided always, that a full, true, and particular account of all payments made for such conveyance, signed by the candidate or his agents, shall be delivered to the election auditor, with the names and addresses of the persons to whom such payments have been made; and the amount of such account shall be included in the general account of the expenses incurred at any election to be made out and kept by such election auditor.

2. *Section 34 of 17 & 18 Vict. c. 102, amended as to further Remuneration of Election Auditors.* And whereas by s. 34 of the said first-mentioned Act the election auditor is entitled to receive, by way of remuneration for his services, £10 from each candidate as and by way of first fee, and a further commission at the rate of £2 per cent. from each candidate upon every payment made by him for or in respect of any bill, charge, or claim sent in to such election auditor as therein provided: The said further commission shall be payable only upon any payment made by the candidate as aforesaid over and above the sum of two hundred pounds: Provided always, that the election auditor shall not be entitled to receive for such first fee and further commission more than the sum of £20 in the whole from each candidate.

3. *Definition of Candidates.* So much of sect. 38 of the said first-mentioned Act as defines the words "Candidate at an election" shall be repealed; and in the construction of the said Act as amended by this Act the words "candidate at an election," and the words "Candidate at any election," shall include all persons elected to serve in Parliament at such election, and all persons nominated as candidates at such election, or who shall have declared themselves candidates on or after the day of the issuing of the writ for such election, or after the dissolution or vacancy in consequence of which such writ shall have been issued: Provided that nothing herein contained shall be construed to impose any liability on any person nominated without his consent.

4. *Election Auditor not to act as Election Agent.* It shall not be lawful for the election auditor of any borough or county, or his partner or agent, to act as election agent, or as paid agent in any capacity, or canvasser, for any candidate for such borough or county.

5. *Duration of Act.* The said first-mentioned Act as amended by this Act shall continue in force until the 10th August, 1859, and thenceforth to the end of the then next session of Parliament.

CAP. LXXXVIII.

An Act to amend an Act of the Fourteenth and Fifteenth Years of her present Majesty, to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors.

[2nd August, 1858.]

CAP. LXXXIX.

An Act to amend an Act of the last Session, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in Scotland.

[2nd August, 1858.]

CAP. XC.

An Act to regulate the Qualifications of Practitioners in Medicine and Surgery.

[2nd August, 1858.]

WHEREAS it is expedient that persons requiring medical aid should be enabled to distinguish qualified from unqualified practitioners; Be it therefore enacted &c. as follows:—

1. *Short Title.*] This Act may for all purposes be cited as "The Medical Act."

2. *Commencement of Act.*] This Act shall commence and take effect from the 1st October, 1858.

3. *Medical Council.*] A council which shall be styled "The General Council of Medical Education and Registration of the United Kingdom," hereinafter referred to as the General Council, shall be established, and branch councils for England, Scotland, and Ireland respectively formed thereout as hereinafter mentioned.

4. *Members of Council.*] The General Council shall consist of one person chosen from time to time by each of the following bodies; (that is to say,)

The Royal College of Physicians:

The Royal College of Surgeons of England:

The Apothecaries' Society of London:

The University of Oxford:

The University of Cambridge:

The University of Durham:

The University of London:

The College of Physicians of Edinburgh:

The College of Surgeons of Edinburgh:

The Faculty of Physicians and Surgeons of Glasgow:

One person chosen from time to time by the University of Edinburgh and the two Universities of Aberdeen collectively:

One person chosen from time to time by the University of Glasgow and the University of Saint Andrew's collectively:

One person chosen from time to time by each of the following bodies:

The King and Queen's College of Physicians in Ireland:

The Royal College of Surgeons in Ireland:

The Apothecaries' Hall of Ireland:

The University of Dublin:

The Queen's University in Ireland:

And six persons to be nominated by her Majesty with the advice of her Privy Council, four of whom shall be appointed for England, one for Scotland, and one for Ireland; and of a president, to be elected by the General Council.

5. *Provision in case the Universities of Glasgow, Aberdeen, and Saint Andrew's fail to appoint a person to represent them.*] If the said universities of Edinburgh and Aberdeen, of Glasgow and Saint Andrew's respectively, shall not be able to agree upon some one person to represent them in the council, it shall be lawful for each one of the said universities to select one person; and thereupon it shall be lawful for her Majesty, with the advice of her Privy Council, to appoint one of the persons so selected to be a member of the said council for the said universities.

6. *Branches of the Council for England, Scotland, and Ireland.*] The members chosen by the medical corporations and universities of England, Scotland, and Ireland respectively, and the members nominated by her Majesty, with the advice of her Privy Council, for such parts respectively of the United Kingdom, shall be the branch councils for such parts respectively of the United Kingdom; to which branch councils shall be delegated such of the powers and duties vested in the council as the council may see fit other than the power to make representations to her Majesty in council as hereinafter mentioned. The president shall be a member of all the branch councils.

7. *Qualification.*] Members of the General Council representing the medical corporations must be qualified to be registered under this Act.

8. *Resignation or Death of Member of General Council.*] The members of the General Council shall be chosen and nominated for a term not exceeding five years, and shall be capable of re-appointment, and any member may at any time resign his appointment, by letter addressed to the president of the said council, and upon the death or resignation of any member of

the said council, some other person shall be constituted a member of the said council in his place in manner hereinbefore provided; but it shall be lawful for the council during such vacancy to exercise the powers hereinafter mentioned.

9. *Time and Place of Meeting of the General Council.*] The General Council shall hold their first meeting within three months from the commencement of this Act, in such place and at such time as one of her Majesty's principal secretaries of state shall appoint, and shall make such rules and regulations as to the times and places of the meetings of the General Council, and the mode of summoning the same, as to them shall seem expedient; which rules and regulations shall remain in force until altered at any subsequent meeting; and in the absence of any rule or regulation as to the summoning a meeting of the General Council, it shall be lawful for the president to summon a meeting at such time and place as to him shall seem expedient by letter addressed to each member; and at every meeting, in the absence of the president, some other member to be chosen from the members present shall act as president; and all acts of the General Council shall be decided by the votes of the majority of the members present at any meeting, the whole number present not being less than eight, and at all such meetings the president for the time being shall, in addition to his vote as a member of the council, have a casting vote, in case of an equality of votes; and the General Council shall have power to appoint an executive committee out of their own body, of which the quorum shall not be less than three, and to delegate to such committee such of the powers and duties vested in the council as the council may see fit, other than the power of making representations to her Majesty in council as hereinafter mentioned.

10. *Appointment of Registrars and other Officers.*] The General Council shall appoint a registrar, who shall act as secretary of the General Council, and who may also act as treasurer, unless the council shall appoint another person or other persons as treasurer or treasurers; and the person or persons so appointed shall likewise act as registrar for England, and as secretary and treasurer or treasurers, as the case may be, for the Branch Council for England; the General Council and Branch Council for England shall also appoint so many clerks and servants as shall be necessary for the purposes of this Act; and every person so appointed by any council shall be removable at the pleasure of that council, and shall be paid such salary as the council by which he was appointed shall think fit.

11. *Appointment of Registrars and other Officers by Branch Councils.*] The branch councils for Scotland and Ireland shall each respectively in like manner appoint a registrar and other officers and clerks, who shall be paid such salaries as such branch councils respectively shall think fit, and be removable at the pleasure of the council by which they were appointed; and the person appointed registrar shall also act as secretary to the branch council, and may also act as treasurer, unless the council shall appoint some other person or persons as treasurer or treasurers.

12. *Fees for Attendance at Councils.*] There shall be paid to the members of the councils such fees for attendance and such reasonable travelling expenses as shall from time to time be allowed by the General Council and approved by the Commissioners of her Majesty's Treasury.

13. *Expenses of the Councils.*] All moneys payable to the respective councils shall be paid to the treasurers of such councils respectively, and shall be applied to defray the expenses of carrying this Act into execution in manner following; that is to say, separate accounts shall be kept of the expenses of the General Council, and of those of the branch councils; and the expenses of the General Council, including those of keeping, printing, and publishing the register for the United Kingdom, shall be defrayed, under the direction of the General Council, by means of an equal per-centage rate upon all moneys received by the several branch councils; returns shall be made by the treasurers of the respective branch councils, at such times as the General Council shall direct, of all moneys received by them; and the necessary per-centage having been computed by the General Council, the respective contributions shall be paid by the treasurers of such branch councils to the treasurer or treasurers of the General Council; and the expenses of the branch councils shall be defrayed under the direction of those councils respectively, out of the residue of the moneys so received as aforesaid.

14. *Duty of Registrar to keep the Register correct.*] It shall be the duty of the registrars to keep their respective register

correct in accordance with the provisions of this Act, and the orders and regulations of the General Council, and to erase the names of all registered persons who shall have died, and shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Act; and to enable the respective registrars duly to fulfil the duties imposed upon them it shall be lawful for the registrar to write a letter to any registered person, addressed to him according to his address on the register, to inquire whether he has ceased to practise, or has changed his residence, and if no answer shall be returned to such letter within the period of six months from the sending of the letter, it shall be lawful to erase the name of such person from the register; provided always, that the same may be restored by direction of the General Council, should they think fit to make an order to that effect.

15. *Registration of Persons now qualified, and of Persons hereafter becoming qualified.* Every person now possessed, and (subject to the provisions hereinafter contained) every person hereafter becoming possessed, of any one or more of the qualifications described in the schedule (A.) to this Act, shall, on payment of a fee, not exceeding two pounds, in respect of qualifications obtained before the 1st day of January, 1859, and not exceeding five pounds in respect of qualifications obtained on or after that day, be entitled to be registered on producing to the registrar of the branch council for England, Scotland, or Ireland, the document conferring or evidencing the qualification or each of the qualifications in respect whereof he seeks to be so registered, or upon transmitting by post to such registrar information of his name and address, and evidence of the qualification or qualifications in respect whereof he seeks to be registered, and of the time or times at which the same was or were respectively obtained: Provided always, that it shall be lawful for the several colleges and other bodies mentioned in the said schedule (A.) to transmit from time to time to the said registrar lists certified under their respective seals of the several persons who, in respect of qualifications granted by such colleges and bodies respectively, are for the time being entitled to be registered under this Act, stating the respective qualifications and places of residence of such persons; and it shall be lawful for the registrar thereupon, and upon payment of such fee as aforesaid in respect of each person to be registered, to enter in the register the persons mentioned in such lists, with their qualifications and places of residence as therein *dated, without other application in relation thereto.

16. *Council to make Orders for regulating Registers to be kept.* The General Council shall, with all convenient speed after the passing of this Act, and from time to time, as occasion may require, make orders for regulating the registers to be kept under this Act as nearly as conveniently may be in accordance with the form set forth in schedule (D.) to this Act, or to the like effect.

17. *Persons practising in England before 1st August, 1815, entitled to be registered.* Any person who was actually practising medicine in England before the 1st day of August, 1815, shall, on payment of a fee, to be fixed by the General Council, be entitled to be registered on producing to the registrar of the branch council for England, Scotland, or Ireland, a declaration according to the form in the schedule (B.) to this Act, signed by him, or upon transmitting to such registrar information of his name and address, and inclosing such declaration as aforesaid.

18. *Council may require Information as to Course of Study, &c., required for obtaining Qualifications.* The several colleges and bodies in the United Kingdom mentioned in schedule (A.) to this Act shall from time to time, when required by the General Council, furnish such Council with such information as they may require as to the courses of study and examinations to be gone through in order to obtain the respective qualifications mentioned in schedule (A.) to this Act, and the ages at which such courses of study and examination are required to be gone through, and such qualifications are conferred, and generally as to the requisites for obtaining such qualifications; and any member or members of the General Council, or any person or persons deputed for this purpose by such Council, or by any branch council, may attend and be present at any such examinations.

19. *Colleges may unite in conducting Examinations.* Any two or more of the colleges and bodies in the United Kingdom mentioned in schedule (A.) to this Act may, with the sanction and under the directions of the General Council, unite or co-operate in conducting the examinations required for qualifications to be registered under this Act.

20. *Defects in the Course of Study or Examinations may be represented by General Council to Privy Council.* In case it appear to the General Council that the course of study and examinations to be gone through in order to obtain any such qualification from any such college or body are not such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for such General Council to represent the same to her Majesty's most Honourable Privy Council.

21. *Privy Council may suspend the Right of Registration in respect of Qualifications granted by College, &c., in default, but may be revoked.* It shall be lawful for the Privy Council, upon any such representation as aforesaid, if it see fit, to order that any qualification granted by such college or body, after such time as may be mentioned in the order, shall not confer any right to be registered under this Act: Provided always, that it shall be lawful for her Majesty, with the advice of her Privy Council, when it is made to appear to her, upon further representation from the General Council or otherwise, that such college or body has made effectual provision, to the satisfaction of such General Council, for the improvement of such course of study or examinations, or the mode of conducting such examinations, to revoke any such order.

22. *Persons not to be registered in respect of Qualifications granted by the College Body before Revocation.* After the time mentioned in this behalf in any such Order in Council no person shall be entitled to be registered under this Act in respect of any such qualification as in such order mentioned, granted by the college or body to which such order relates, after the time therein mentioned, and the revocation of any such order shall not entitle any person to be registered in respect of any qualification granted before such revocation.

23. *Privy Council may prohibit Attempts to impose Restrictions as to any Theory of Medicine or Surgery by Bodies entitled to grant Certificates.* In case it shall appear to the General Council that an attempt has been made by any body, entitled under this Act to grant qualifications, to impose upon any candidate offering himself for examination an obligation to adopt or refrain from adopting the practice of any particular theory of medicine or surgery, as a test or condition of admitting him to examination or of granting a certificate, it shall be lawful for the said Council to represent the same to her Majesty's most Honourable Privy Council, and the said Privy Council may thereupon issue an injunction to such body so acting, directing them to desist from such practice; and in the event of their not complying therewith, then to order that such body shall cease to have the power of conferring any right to be registered under this Act so long as they shall continue such practice.

24. *As to the Making and Authentication of Orders, &c.*—All powers vested in the Privy Council by this Act may be exercised by any three or more of the Lords and others of the Privy Council, the Vice-President of the Committee of the said Privy Council on Education being one of them; and all orders and acts of the Privy Council under this Act shall be sufficiently made and signified by a written or printed document, signed by one of the clerks of the Privy Council, or such officer as may be appointed by the Privy Council in this behalf; and all orders and acts made or signified by any written or printed document purporting to be so signed shall be deemed to have been duly made, issued, and done by the Privy Council; and every such document shall be received in evidence in all courts, and before all justices and others, without proof of the authority or signature of such clerk or other officer or other proof whatsoever, until it be shown that such document was not duly signed by the authority of the Privy Council.

25. *As to Registration by Branch Registrars.* Where any person entitled to be registered under this Act applies to the registrar of any of the said branch councils for that purpose, such registrar shall forthwith enter in a local register in the form set forth in schedule (D.) to this Act, or to the like effect, to be kept by him for that purpose, the name and place of residence, and the qualification or several qualifications in respect of which the person is so entitled, and the date of the registration, and shall, in the case of the registrar of the branch council for Scotland or Ireland, with all convenient speed, send to the registrar of the General Council a copy, certified under the hand of the registrar, of the entry so made, and the registrar of the General Council shall forthwith cause the same to be entered in the general register; and such registrar shall also forthwith cause all entries made in the local register for Eng-

and to be entered in the general register; and the entry on the general register shall bear date from the local register.

26. *Evidence of Qualification to be given before Registration.* No qualification shall be entered on the register, either on the first registration, or by way of addition to a registered name, unless the registrar be satisfied by the proper evidence that the person claiming is entitled to it; and any appeal from the decision of the registrar may be decided by the General Council, or by the council for England, Scotland, or Ireland (as the case may be); and any entry which shall be proved to the satisfaction of such General Council or branch council to have been fraudulently or incorrectly made may be erased from the register by order in writing of such General Council or branch council.

27. *Register to be published.* The registrar of the General Council shall, in every year, cause to be printed, published, and sold, under the direction of such council, a correct register of the names in alphabetical order, according to the surnames, with the respective residences, in the form set forth in schedule (D.) to this Act, or to the like effect, and medical titles, diplomas, and qualifications conferred by any corporation or university, or by doctorate of the Archbishop of Canterbury, with the dates thereof, of all persons appearing on the general register as existing on the 1st day of January in every year; and such register shall be called "The Medical Register;" and a copy of the medical register for the time being, purporting to be so printed and published as aforesaid, shall be evidence in all courts and before all justices of the peace and others that the persons therein specified are registered according to the provisions of this Act; and the absence of the name of any person from such copy shall be evidence, until the contrary be made to appear, that such person is not registered according to the provisions of this Act: Provided always, that, in the case of any person whose name does not appear in such copy, a certified copy, under the hand of the registrar of the General Council, or of any branch council, of the entry of the name of such person on the general or local register, shall be evidence that such person is registered under the provisions of this Act.

28. *Names of Members struck off from List of College, &c., to be signified to General Council.* If any of the said colleges or the said bodies at any time exercise any power they possess by law of striking off from the list of such college or body the name of any one of their members, such college or body shall signify to the General Council the name of the member so struck off; and the General Council may, if they see fit, direct the registrar to erase forthwith from the register the qualification derived from such college or body in respect of which such member was registered, and the registrar shall note the same therein: Provided always, that the name of no person shall be erased from the register on the ground of his having adopted any theory of medicine or surgery.

29. *Medical Practitioners convicted of Felony may be struck off the Register.* If any registered medical practitioner shall be convicted in England or Ireland of any felony or misdemeanour, or in Scotland of any crime or offence, or shall, after due inquiry, be judged by the General Council to have been guilty of infamous conduct in any professional respect, the General Council may, if they see fit, direct the registrar to erase the name of such medical practitioner from the register.

30. *Registered Persons may have subsequent Qualifications inserted in the Register.* Every person registered under this Act who may have obtained any higher degree or any qualification other than the qualification in respect of which he may have been registered, shall be entitled to have such higher degree or additional qualification inserted in the register in substitution for, or in addition to, the qualification previously registered, on payment of such fee as the Council may appoint.

31. *Privileges of registered Persons.* Every person registered under this Act shall be entitled, according to his qualification or qualifications, to practise medicine or surgery, or medicine and surgery, as the case may be, in any part of her Majesty's dominions, and to demand and recover in any court of law, with full costs of suit, reasonable charges for professional aid, advice, and visits, and the cost of any medicines or other medical or surgical appliances rendered or supplied by him to his patients: Provided always, that it shall be lawful for any College of Physicians to pass a bye-law to the effect that no one of their fellows or members shall be entitled to sue in manner aforesaid in any court of law, and thereupon such bye-law may be pleaded in bar to any action for the purposes aforesaid commenced by any fellow or member of such college.

32. *None but registered Persons to recover Charges.* After the

1st day of January, 1859, no person shall be entitled to recover any charge in any court of law for any medical or surgical advice, attendance, or for the performance of any operation, or for any medicine which he shall have both prescribed and supplied, unless he shall prove upon the trial that he is registered under this Act.

33. *Poor Law Medical Officers not disqualified if registered within Six Months of passing of Act.* Provided also, that no person who on the 1st of October, 1858, shall be acting as medical officer under an order of the Poor Law Commissioners or Poor Law Board, shall be disqualified to hold such office by reason of his not being registered as herein required, unless he shall have failed to be registered within six months from the passing of this Act.

34. *Meaning of Terms "legally qualified Medical Practitioner," &c.* After the 1st day of January, 1859, the word "legally qualified medical practitioner" or "duly qualified medical practitioner," or any words importing a person recognised by law as a medical practitioner or member of the medical profession, when used in any Act of Parliament, shall be construed to mean a person registered under this Act.

35. *Registered Persons exempted from serving on Juries, &c.* Every person who shall be registered under the provisions of this Act shall be exempt, if he shall so desire, from serving on all juries and inquests whatsoever, and from serving all corporate, parochial, ward, hundred, and township offices, and from serving in the militia, and the name of such person shall not be returned in any list of persons liable to serve in the militia, or in any such office as aforesaid.

36. *Unregistered Persons not to hold certain Appointments.* After the 1st day of January, 1859, no person shall hold any appointment as a physician, surgeon, or other medical officer, either in the military or naval service, or in emigrant or other vessels, or in any hospital, infirmary, dispensary, or lying-in hospital, not supported wholly by voluntary contributions, or in any lunatic asylum, gaol, penitentiary, house of correction, house of industry, parochial or union workhouse or poor-house, parish union, or other public establishment, body, or institution, or to any friendly or other society for affording mutual relief in sickness, infirmity, or old age, or as a medical officer of health, unless he be registered under this Act: Provided always, that nothing in this Act contained shall extend to repeal or alter any of the provisions of the Passengers Act, 1835.

37. *No Certificate to be valid unless Person signing be registered.* After the 1st day of January, 1859, no certificate required by any Act now in force, or that may hereafter be passed, from any physician, surgeon, licentiate in medicine and surgery, or other medical practitioner, shall be valid unless the person signing the same be registered under this Act.

38. *Penalty on wilful Falsification of Register.* Any registrar who shall wilfully make, or cause to be made, any falsification in any matters relating to the register shall be deemed guilty of a misdemeanour in England or Ireland, and in Scotland of a crime or offence punishable by fine or imprisonment, and shall, on conviction thereof, be imprisoned for any term not exceeding twelve months.

39. *Penalty for obtaining Registration by false Representations.* If any person shall wilfully procure, or attempt to procure, himself to be registered under this Act, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, every such person so offending, and every person aiding and assisting him therein, shall be deemed guilty of a misdemeanour in England and Ireland, and in Scotland of a crime or offence punishable by fine or imprisonment, and shall, on conviction thereof, be sentenced to be imprisoned for any term not exceeding twelve months.

40. *Penalty for falsely pretending to be a registered Person.* Any person who shall wilfully and falsely pretend to be, or take or use the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner or apothecary, or any name, title, addition, or description, implying that he is registered under this Act, or that he is recognised by law as a physician, or surgeon, or licentiate in medicine and surgery, or a practitioner in medicine, or an apothecary, shall, upon a summary conviction for any such offence, pay a sum not exceeding £20.

41. *Recovery of Penalties.* Any penalty to which under this Act any person is liable on summary conviction of any offence may be recovered as follows (that is to say); in England, in manner directed by the 11 & 12 Vict. c. 43, and in Ireland in manner directed by "The Petty Sessions (Ireland) Act, 1851,"

or any other Act for the time being in force in England and Ireland respectively for the like purposes; and any such penalty may in Scotland be recovered by the procurator fiscal of the county, or by any other person before the sheriff or two justices, who may proceed in a summary way, and grant warrant for bringing the party complained against before him or them, or issue an order requiring such party to appear on a day and at a time and place to be named in such order; and every such order shall be served on the party by delivering to him in person, or by leaving at his usual place of abode, a copy of such order, and of the complaint whereupon the same has proceeded, and upon the appearance or default to appear of the party, it shall be lawful for the sheriff or justices to proceed to the hearing of the complaint, and upon proof on oath or confession of the offence, the sheriff or justices shall, without any written pleadings or record of evidence, commit the offender, and decern him to pay the penalty named, as well as such expenses as the sheriff or justices shall think fit, and failing payment, shall grant warrant for the recovery thereof by poinding and imprisonment, such imprisonment to be for such period as the discretion of the sheriff or justices may direct, not exceeding three calendar months, and to cease on payment of the penalty and expenses.

42. *Application of Penalties.* Any sum or sums of money arising from conviction and recovery of penalties as aforesaid shall be paid to the treasurer of the General Council.

43. *Application of Moneys received by Treasurer.* All moneys received by any treasurer, arising from fees to be paid on registration, from the sale of registers, from penalties, or otherwise, shall be applied for expenses of registration and of the execution of this Act.

44. *Accounts to be published.* The treasurers of the general and branch councils shall enter in books to be kept for that purpose a true account of all sums of money by them received and paid, and such accounts shall be submitted by them to the respective General Council and branch councils at such times as the councils shall require; and the said accounts shall be published annually, and such accounts shall be laid before both Houses in the month of March in every year, if Parliament be sitting, or, if Parliament be not sitting, then within one month after the next meeting of Parliament.

45. *Notice of Death of Medical Practitioners to be given by Registrars.* Every registrar of deaths in the United Kingdom, on receiving notice of the death of any medical practitioner shall forthwith transmit by post to the registrar of the General Council and to the registrar of the branch council a certificate under his own hand of such death, with the particulars of time and place of death, and may charge the cost of such certificate and transmission as an expense of his office, and on the receipt of such certificate the medical registrar shall erase the name of such deceased medical practitioner from the register.

46. *Provision for Persons practising in the Colonies and elsewhere, and for Students.* It shall be lawful for the General Council by special orders to dispense with such provisions of this Act, or with such part of any regulations made by its authority, as to them shall seem fit, in favour of persons now practising medicine or surgery in any part of her Majesty's dominions other than Great Britain and Ireland, by virtue of any of the qualifications described in schedule (A.); and also in favour of persons practising medicine or surgery within the United Kingdom on foreign or colonial diplomas or degrees before the passing of this Act; and also in favour of any persons who have held appointments as surgeons or assistant surgeons in the army, navy, or militia, or in the service of the East India Company, or are acting as surgeons in the public service, or in the service of any charitable institutions, and also, so far as to the Council shall seem expedient, in favour of medical students who shall have commenced their professional studies before the passing of this Act.

47. *New Charter may be granted to the College of Physicians of London.* It shall be lawful for her Majesty to grant to the corporation of the Royal College of Physicians of London a new charter, and thereby to give to such corporation the name of "The Royal College of Physicians of England," and to make such alterations in the constitution of the same corporation as to her Majesty may seem expedient; and it shall be lawful for the said corporation to accept such charter under their common seal, and such acceptance shall operate as a surrender of all charters heretofore granted to the said corporation, except the charter granted by King Henry the Eighth, and shall also operate as a surrender of such charter, and of any rights, powers, or privileges conferred by or enjoyed under an Act of the 14 & 15 Hen. c. 5, confirming the same, as far as such

charter and Act respectively may be inconsistent with such new charter: Provided nevertheless, that within twelve months after the granting of such charter to the College of Physicians of London, any fellow, member, or licentiate of the Royal College of Physicians of Edinburgh, or of the Queen's College of Physicians of Ireland, who may be in practice as a physician in any part of the United Kingdom called England, and who may be desirous of becoming a member of such College of Physicians of England, shall be at liberty to do so, and be entitled to receive the diploma of the said college, and to be admitted to all the rights and privileges thereunto appertaining on the payment of a registration fee of two pounds to the said college.

48. *Her Majesty may grant Power to College of Surgeons to institute Examinations, &c., for Dentists.* It shall, notwithstanding anything herein contained, be lawful for her Majesty, by charter, to grant to the Royal College of Surgeons of England power to institute and hold examinations for the purpose of testing the fitness of persons to practise as dentists who may be desirous of being so examined, and to grant certificates of such fitness.

49. *New Charter may be granted to College of Physicians of Edinburgh.* It shall be lawful for her Majesty to grant to the corporation of the Royal College of Physicians of Edinburgh a new charter, and thereby to give to the said College of Physicians the name of "The Royal College of Physicians of Scotland," and it shall be lawful for the said Royal College of Physicians, under their common seal, to accept such new charter, and such acceptance shall operate as a surrender of all charters heretofore granted to the said corporation.

50. *The Royal College of Surgeons of Edinburgh and Faculty at Glasgow may be amalgamated.* If at any future period the Royal College of Surgeons of Edinburgh and Faculty of Physicians and Surgeons of Glasgow agree to amalgamate, so as to form one united corporation, under the name of "The Royal College of Surgeons of Scotland," it shall be lawful for her Majesty to grant, and for such college and faculty under their respective common seals to accept, such new charter or charters as may be necessary for effecting such union, and such acceptance shall operate as a surrender of all charters heretofore granted to such college and faculty; and in the event of such union it shall be competent for the said college and faculty to make such arrangements as to the time and place of their examinations as they may agree upon, these arrangements being in conformity with the provisions of this Act, and subject to the approval of the General Council.

51. *New Charter may be granted to the King and Queen's College of Physicians in Ireland.* It shall be lawful for her Majesty to grant to the corporation of the King and Queen's College of Physicians in Ireland a new charter, and thereby to give to such corporation the name of "The Royal College of Physicians of Ireland," and to make such alterations in the constitution of the said corporation as to her Majesty may seem expedient; and it shall be lawful for the said corporation to accept such charter under their common seal, and such acceptance shall operate as a surrender of the charter granted by King William and Queen Mary, so far as it may be inconsistent with such new charter.

52. *Charters not to contain new Restrictions in the Practice of Medicine or Surgery.* Provided always, that nothing herein contained shall extend to authorise her Majesty to create any new restriction in the practice of medicine or surgery, or to grant to any of the said corporations any powers or privileges contrary to the common law of the land or to the provisions of this Act, and that no such new charter shall in anywise prejudice, affect, or annul any of the existing statutes or bye-laws of the corporations to which the same shall be granted, further than shall be necessary for giving full effect to the alterations which shall be intended to be effected by such new charters and by this Act in the constitution of such corporation.

53. *Provisions of 17 & 18 Vict. c. 114, as to University of London to continue in Force.* The enactments and provisions of the University of London Medical Graduates Act, 1854, shall be deemed and construed to have applied and shall apply to the University of London for the time being, notwithstanding the surrender or determination of the therein-recited charter, and the granting or acceptance of the now existing charter of the University of London, or the future determination of the present or any future charter of the said university, and the granting of any new charter to the said university, and that every bachelor of medicine and doctor of medicine of the University of London for the time being shall be deemed to have been and to be entitled, and shall be entitled, to the privi-

leges conferred by the said Act, in the same manner and to the same extent as if the charter recited in the said Act remained in force, subject nevertheless to the provisions of this Act.

54. *British Pharmacopœia to be published.* [The General Council shall cause to be published under their direction a book containing a list of medicines and compounds, and the manner of preparing them, together with the true weights and measures by which they are to be prepared and mixed, and containing such other matter and things relating thereto as the General Council shall think fit, to be called "British Pharmacopœia;" and the General Council shall cause to be altered, amended, and republished, such Pharmacopœia as often as they shall deem it necessary.

55. *Chemists, &c., not to be affected.* [Nothing in this Act contained shall extend, or be construed to extend, to prejudice or in any way to affect the lawful occupation, trade, or business of chemists and druggists and dentists, or the rights, privileges, or employment of duly licensed apothecaries in Ireland, so far as the same extend to selling, compounding, or dispensing medicines.

SCHEDULE (A.)

1. Fellow, Licentiate, or Extra Licentiate of the Royal College of Physicians of London.
2. Fellow or Licentiate of the Royal College of Physicians of Edinburgh.
3. Fellow or Licentiate of the King's and Queen's College of Physicians of Ireland.
4. Fellow or Member or Licentiate in Midwifery of the Royal College of Surgeons of England.
5. Fellow or Licentiate of the Royal College of Surgeons of Edinburgh.
6. Fellow or Licentiate of the Faculty of Physicians and Surgeons of Glasgow.
7. Fellow or Licentiate of the Royal College of Surgeons in Ireland.
8. Licentiate of the Society of Apothecaries, London.
9. Licentiate of the Apothecaries' Hall, Dublin.
10. Doctor, or Bachelor, or Licentiate of Medicine, or Master in Surgery of any university of the United Kingdom; or Doctor of Medicine by doctorate granted prior to passing of this Act by the Archbishop of Canterbury.
11. Doctor of Medicine of any foreign or colonial university or college, practising as a physician in the United Kingdom before the 1st day of October, 1855, who shall produce certificates to the satisfaction of the Council of his having taken his degree of Doctor of Medicine after regular examination, or who shall satisfy the Council, under s. 45 of this Act, that there is sufficient reason for admitting him to be registered.

SCHEDULE (B.)

Declaration required of a person who claims to be registered as a medical practitioner, upon the ground that he was in practice as a medical practitioner in England or Wales before the 1st day of August, 1855:—

To the Registrar of the Medical Council.

I, —, residing at —, in the county of —, hereby declare that I was practising as a medical practitioner at —, in the county of —, before the 1st day of August, 1855.

(Signed) [Name.]

Dated this — day of —, 185—.

SCHEDULE (D.)

Name.	Residence.	Qualification.	Title.
A. B.	London . .	Fellow of the Royal College of Physicians of —	
C. D.	Edinburgh .	Fellow and Member of the Royal College of Surgeons of —	
E. F.	Dublin . .	Graduate in Medicine of University of —	
G. H.	Bristol . .	Licentiate of the Society of Apothecaries.	
I. K.	London . .	Member of College of Surgeons and Licentiate of the Society of Apothecaries.	

CAP. XCI.

An Act to enable Joint Stock Banking Companies to be formed on the Principle of Limited Liability. [2nd August, 1858.

WHEREAS it is expedient to enable banking companies to be formed on the principle of limited liability: Be it enacted &c. as follows:—

1. So much of 20 & 21 Vict. c. 49, as prohibits Banking Companies from being registered with Limited Liability repealed. *Proviso as to Bankers issuing Notes.* [So much of the Joint Stock Banking Companies Act, 1857, as prohibits a banking company from being formed under that Act with limited liability, or prohibits an existing banking company from being registered under that Act with limited liability, shall be repealed, subject to the following proviso, that no banking company claiming to issue notes in the United Kingdom shall be entitled to limited liability in respect of such issue, but shall

continue subject to unlimited liability in respect thereof, and that, if necessary, the assets shall be marshalled for the benefit of the general creditors, and the shareholders shall be liable for the whole amount of the issue, in addition to the sum for which they would be liable as shareholders of a limited company.

2. *Registration of Banking Companies not to prejudice Re-registration as limited.* [The registration of a banking company under the Joint Stock Banking Companies Act, 1857, or under any other Act, shall not prejudice the right of such company to register itself again as a limited company under the said Joint Stock Banking Companies Act, 1857, and the Acts incorporated therewith.

3. *On Re-registration with limited Liability Notice to be given to Customers.*—In default of Notice unlimited Liability to continue as to such Customers.] Provided, That every company so registering itself again as a limited company, and every existing banking company which shall register itself as a limited banking company, shall, at least thirty days previous to obtaining a certificate of registration with limited liability, give notice that it is intended so to register the same to every person and partnership firm who shall have a banking account with the company, and such notice shall be given either by delivering the same to such person or firm, or leaving the same or putting the same into the post addressed to him or them at such address as shall have been last communicated or otherwise become known as his or their address to or by the company; and in case the company shall omit to give any such notice as is hereinbefore required to be given, then as between the company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further or otherwise, the certificate of registration with limited liability shall have no operation.

4. *Banking Company to annex a Statement to their Memorandum of Association.* [Every limited joint stock banking company shall, before it commences business, or, if a banking company at the time carrying on business with unlimited liability, before it avails itself of the provisions of this Act, and also on the 1st day of February and 1st day of August in every year during which it carries on business, make a statement in the form contained in the schedule hereto, or as near thereto as circumstances will admit, and a copy of such statement shall be put up in a conspicuous place in the registered office of the company, and in every branch office or place where the banking business of the company is carried on; and if default is made in due compliance with the provisions of this section, each director shall be liable to a penalty not exceeding £5 for every day during which such default continues, and such penalties shall be recovered in a summary manner.

5. *How Limited Banking Companies are to be wound up.* [Limited joint stock banking companies shall be wound up in the same manner and under the same jurisdiction as that in and under which joint stock banking companies other than limited are required to be wound up by the Joint Stock Banking Companies Act, 1857.

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

Form of Statement to be published by a Limited Joint Stock Banking Company.

The liability of the shareholders is limited.
The capital of the company is £1,000,000, divided into 10,000 shares of £100 each.
The number of shares issued is 10,000.
Calls to the amount of £30 per share have been made, under which the sum of £150,000 has been received.
The liabilities of the company on the 1st day of January (or July) were:—

Notes issued
Deposits not bearing interest
Deposits bearing interest
Seven day and other bills
Total

The assets of the company on that day were:—

Government securities
Bills of exchange
Loans on mortgage
Other loans
Bank premises
Other securities, exclusive of unpaid calls on shares
Total

Dated the 1st day of February or August, 1850.

CAP. XCII.

An Act to provide for the Conveyance of County Property to the Clerk of the Peace of the County. [2nd August, 1858.]

WHEREAS by divers Acts of Parliament her Majesty's justices of the peace for the several counties in England and Wales, in general or quarter sessions assembled, are authorised and empowered to purchase and hire lands, tenements, and hereditaments, for certain public works and purposes within such counties, and they are also authorised and empowered to make and enter into contracts in relation to such public works and purposes, and for other purposes within their jurisdiction as justices of the peace; but no provision is made for the manner in which such purchases, hirings, and contracts are to be carried into effect: For remedy whereof, be it enacted &c. as follows:—

1. *Justices of the Peace may order Conveyances or Grants of Land, &c., to be made in the Name of Clerk of the Peace or Treasurer.* In all cases where by any Act or Acts of Parliament justices of the peace of any county or division of a county now are or may be hereafter authorised to purchase or to take on hire, for any of the public uses or purposes of such county, any lands, tenements, and hereditaments, it shall be lawful for such justices of the peace, if they shall think fit, to order and direct that the conveyance or grant thereof shall and may be made and taken to and in the name of the clerk of the peace for the time being of such county, and his successors, upon trust for such public uses and purposes; and such conveyance or grant, when so made, shall be valid and effectual in the law, and shall vest such lands, tenements, and hereditaments in such clerk of the peace and his successors, upon trust for the purposes for which the same were purchased and granted and conveyed, and be by him and them held for the public uses and purposes aforesaid, or otherwise be by him and them sold, conveyed, and disposed of in such manner as the justices of the peace for the time being of such county or division of county in general or quarter sessions assembled may from time to time order and direct.

2. *Contracts and Agreements may be entered into in the Name of the Clerk of the Peace or Treasurer.* Except where otherwise specially provided for by any Act or Acts of Parliament, all contracts and agreements to be made and entered into by the justices of the peace of any county or division of county for any of the public uses or purposes of such county shall and may, by the order of such justices, if they shall think fit, be made and entered into on their behalf by and in the name of the clerk of the peace for the time being of such county or division of county; and all such contracts and agreements shall and may be enforced and sued upon by or against the clerk of the peace for the time being of such county or division of county; and no action, suit, or proceeding shall abate or be discontinued by the death, resignation, or removal of such clerk of the peace, but the clerk of the peace for the time being shall always be deemed the plaintiff or defendant, as the case may be; and all costs, charges, damages, and expenses which such clerk of the peace may incur, or pay, or be liable to pay, by reason of such action, suit, or proceeding, shall be reimbursed to him, or paid, by order of the said justices of the peace, by the treasurer of the county or division of the county out of the county rates raised or to be raised within such county or division of county.

3. *Lands, &c., to be vested in the Clerk of the Peace or Treasurer.* Except where otherwise specially provided by any Act or Acts of Parliament, on the resolution of the general or general quarter sessions to that effect, all lands, tenements, and hereditaments, which shall have been heretofore purchased or hired by the justices of the peace of any county or division of a county under the authority of any Act or Acts of Parliament, for any of the public uses and purposes of such county or division of county, and granted or conveyed to any person or persons in trust for or on behalf of the said justices, and which now remain applicable to such uses and purposes, shall, from and immediately after the passing of this Act, notwithstanding such grant or conveyance, become and be absolutely vested in the clerk of the peace for such county or division of county and his successors upon the trusts and for the uses and purposes in the grant or conveyance thereof respectively declared, and the same lands, tenements, and hereditaments shall be at all times hereafter held, used, and managed, or, when so ordered by the said justices, sold, conveyed, and disposed of, by the clerk of the peace for the time being of such county or division of county, according to the

orders and directions of the said justices of the peace from time to time in general or quarter sessions assembled; and every sale and conveyance so made and executed by the clerk of the peace for the time being shall be valid in the law, and effectually vest the lands and hereditaments thereby conveyed in the purchaser or purchasers thereof.

4. *Grants and Conveyances to be valid though not enrolled.* All grants and conveyances of any lands, tenements, and hereditaments, heretofore made or hereafter to be made, under any of the Acts heretofore referred to, to or in trust for the said justices, for any of the public uses and purposes of such counties or divisions of counties, shall be valid and effectual to all intents and purposes, notwithstanding the same grants and conveyances may not have been or be enrolled, any law, statute, or usage to the contrary notwithstanding.

CAP. XCIII.

An Act to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed Natural-born Subjects. [2nd August, 1858.]

WHEREAS it is expedient to enable persons to establish their legitimacy, and the marriage of their parents and others from whom they may be descended, and also to enable persons to establish their right to be deemed natural-born subjects: Be it therefore enacted &c. as follows:

1. *Application to Court for Divorce and Matrimonial Causes for Declaration of Legitimacy or Validity or Invalidity of Marriage.* Any natural-born subject of the Queen, or any person whose right to be deemed a natural-born subject depends wholly or in part on his legitimacy or on the validity of a marriage, being domiciled in England or Ireland, or claiming any real or personal estate situate in England, may apply by petition to the Court for Divorce and Matrimonial Causes, praying the Court for a decree declaring that the petitioner is the legitimate child of his parents, and that the marriage of his father and mother, or of his grandfather and grandmother, was a valid marriage, or for a decree declaring either of the matters aforesaid; and any such subject or person, being so domiciled or claiming as aforesaid, may in like manner apply to such Court for a decree declaring that his marriage was or is a valid marriage, and such Court shall have jurisdiction to hear and determine such application and to make such decree declaratory of the legitimacy or illegitimacy of such person, or of the validity or invalidity of such marriage, as to the Court may seem just; and such decree, except as hereinafter mentioned, shall be binding to all intents and purposes on her Majesty and on all persons whomsoever.

2. *Application to Court for Declaration of Right to be deemed a Natural-born Subject.* Any person, being so domiciled or claiming as aforesaid, may apply by petition to the said Court for a decree declaratory of his right to be deemed a natural-born subject of her Majesty, and the said Court shall have jurisdiction to hear and determine such application, and to make such decree thereon as to the Court may seem just; and where such application as last aforesaid is made by the person making such application as herein mentioned for a decree declaring his legitimacy or the validity of a marriage, both applications may be included in the same petition; and every decree made by the said Court shall, except as hereinafter mentioned, be valid and binding to all intents and purposes upon her Majesty and all persons whomsoever.

3. *Petition to be accompanied by Affidavit.* Every petition under this Act shall be accompanied by such affidavit verifying the same, and of the absence of collusion, as the Court may by any general rule direct.

4. *20 of 21 Vict. c. 85, to apply to Proceedings under this Act.* All the provisions of the Act of the last session, c. 85, so far as the same may be applicable, and the powers and provisions therein contained in relation to the making and laying before Parliament of rules and regulations concerning the practice and procedure under that Act, and fixing the fees payable upon proceedings before the Court, shall extend to applications and proceedings in the said Court under this Act, as if the same had been authorised by the said Act of the last session.

5. *Power to award and enforce Payment of Costs.* In all proceedings under this Act the Court shall have full power to award and enforce payment of costs to any persons cited, whether such persons shall or shall not oppose the declaration applied for, in case the said Court shall deem it reasonable that such costs shall be paid.

6. *Attorney-General to have a Copy of Petition One Month before it is filed, and to be Respondent.* A copy of every petition

under this Act, and of the affidavit accompanying the same, shall, one month at least previously to the presentation or filing of such petition, be delivered to her Majesty's Attorney-General, who shall be a respondent upon the hearing of such petition and upon every subsequent proceeding relating thereto.

7. *Court may require Persons to be cited.*] Where any application is made under this Act to the said Court, such person or persons (if any), besides the said Attorney-General, as the Court shall think fit, shall, subject to the rules made under this Act, be cited to see proceedings or otherwise summoned in such manner as the Court shall direct, and may be permitted to become parties to the proceedings, and oppose the application.

8. *Saving of Rights of Persons not cited.*] The decree of the said Court shall not in any case prejudice any person, unless such person has been cited or made a party to the proceedings, or is the heir at law or next of kin, or other real or personal representative of, or derives title under or through, a person so cited or made a party; nor shall such sentence or decree of the Court prejudice any person if subsequently proved to have been obtained by fraud or collusion.

9. *Persons domiciled in Scotland may insist on an Action of Declarator, that he is a natural-born Subject.*] Any person domiciled in Scotland, or claiming any heritable or moveable property situate in Scotland, may raise and insist, in an action of declarator before the Court of Session, for the purpose of having it found and declared that he is entitled to be deemed a natural-born subject of her Majesty; and the said Court shall have jurisdiction to hear and determine such action of declarator, in the same manner and to the same effect, and with the same power to award expenses, as they have in declarators of legitimacy and declarators of bastardy.

10. *No Proceedings to affect final Judgments, &c., already pronounced.*] No proceeding to be had under this Act shall affect any final judgment or decree already pronounced or made by any Court of competent jurisdiction.

11. *Acts to be read together.—Short Title.*] The said Act of the last session and this Act shall be construed together as one Act; and this Act may be cited for all purposes as "The Legitimacy Declaration Act, 1858."

CAP. XCIV.

An Act to amend the Copyhold Acts. [2nd August, 1858,

WHEREAS it is expedient to repeal certain provisions of "the Copyhold Acts" [4 & 5 Vict. c. 35; 6 & 7 Vict. c. 23; 7 & 8 Vict. c. 55; 15 & 16 Vict. c. 51; 16 & 17 Vict. c. 57], and to make further and other provisions for the commutation of manorial rights in respect of lands of copyhold and customary tenure, and in respect of other lands subject to such rights, and for facilitating the enfranchisement of such lands, and for the improvement of such tenure: Be it therefore enacted &c. as follows:—

1. *Commencement of Act.*] This Act shall come into operation on the 1st day of October, 1858.

2. *Repeal of Acts and Parts of Acts herein named.*] The following Acts and sections and parts of sections of "the Copyhold Acts" are hereby repealed; that is to say,

The whole of 16 & 17 Vict. c. 57, intitled "An Act to explain and amend the Copyhold Acts."

So much of the 11th section of "The Copyhold Act, 1841," as follows after the words "substituted in the place of such lord, tenant, or other person:"

The whole of the 2nd section of "The Copyhold Act, 1852" [15 & 16 Vict. c. 51]:

The whole of the 11th section of "The Copyhold Act, 1852" [15 & 16 Vict. c. 51]:

The whole of the 27th section of "The Copyhold Act, 1852" [15 & 16 Vict. c. 51]:

All the provisions of the Copyhold Acts which authorise commutations by schedule of apportionment, and also all the provisions which authorise commutations by a schedule to be prepared by the steward, and also all the provisions which authorise enfranchisement by schedule of apportionment, and also all the provisions which authorise the charging of enfranchisement or compensation moneys or the expenses of commutations or enfranchisements upon land, are hereby repealed.

3. *Repeal not to affect Acts done, Rights vested, &c.*] This repeal shall not affect any commutations or enfranchisements or charges already effected, or any rights or remedies attaching thereto, or any acts done in pursuance of the Act or provisions hereby specifically repealed, or rights or remedies vested by or resulting therefrom.

4. *Acts not to extend to Ecclesiastical Manors, where Tenant has not a Right of Renewal.*] The Copyhold Acts shall not extend to any manors belonging, either in possession or reversion, to any ecclesiastical corporation, or to the Ecclesiastical Commissioners for England, where the tenant hath not a right of renewal.

5. *Application of Consideration Moneys in Cases where Enfranchisements might have been effected under 14 & 15 Vict. c. 104.—Appropriation of Enfranchisement Moneys in Cases of Ecclesiastical Manors.*] Whenever it shall appear to the Copyhold Commissioners that an enfranchisement under the Copyhold Acts is one which might have been effected under the provisions of the 14 & 15 Vict. c. 104, intituled "An Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in England," so long as that Act or any Act for continuing the same shall be in force, the moneys or rent-charges which form the consideration of such enfranchisement shall be paid and applied to the same account and in the same manner as if such enfranchisement had been effected under the said Act of the 14th & 15th Vict.; and all the provisions of the said last-mentioned Act which affect the application of enfranchisement moneys under that Act shall be applicable to such enfranchisements as aforesaid, made under the provisions of the Copyhold Acts; and the Church Estates Commissioners and Ecclesiastical Commissioners shall respectively have the same powers over such consideration moneys, or the interest accruing thereon, or upon land, rent-charges, or securities acquired in respect of such enfranchisements, and also over or against any ecclesiastical corporation interested therein, as such commissioners respectively would have had if such enfranchisement had been effected with the consent of the Church Estates Commissioners, and under the provisions of the said Act of the 14th & 15th Vict. or any Act continuing the same: But where any ecclesiastical corporation within the meaning of the said last-mentioned Act or the said Ecclesiastical Commissioners have only a reversionary interest in the manorial rights extinguished by enfranchisement, the consideration for such enfranchisement shall be dealt with in the manner directed by the 39th section of "The Copyhold Act, 1852," until the time when the said reversionary interest in the same manorial rights would, if the same had not been extinguished, have come into possession, when the said consideration, or any Government securities in which it may have been invested, shall, upon petition to the Court of Chancery, be paid or transferred to the said Church Estates Commissioners, who shall be considered the parties become absolutely entitled to such money, to be dealt with as if they had come into possession thereof in consequence of an enfranchisement effected under the said Act of the 14th & 15th Vict.

6. *Tenant or Lord of certain Copyhold Land may compel Enfranchisement.*] Notwithstanding the 1st section of "The Copyhold Act, 1852," it shall be lawful from and after the passing of this Act, for any tenant or lord of any copyhold lands to which the last admittance shall have taken place before the 1st July, 1853, or of any freehold or customary freehold lands in respect of which the last heriot shall have become due or payable before the 1st of July, 1853, to require and compel enfranchisement of the said lands in the manner herein and in the said Act mentioned: Provided always, that no such tenant shall be entitled to require such enfranchisement until after payment or tender (in the case of copyhold lands) of such a fine, and of the value of such a heriot, and in the case of freehold and customary freehold lands of the value of such a heriot as would become due or payable in the event of admittance or death subsequent to the 1st of July, 1853, and also, in the case both of copyhold and of freehold or customary freehold lands, of two-thirds of such a sum as the steward would have been entitled to for fees in respect of such admittance or heriot.

7. *Lord or Tenant may compel Extinction of Claim to Heriots.*] And whereas in many manors heriots are by custom due and payable to the lord by tenants of freehold or customary freehold lands holden of such manors: Be it enacted, That at any time after any such heriot shall be due and payable with respect to any such freehold or customary freehold lands, it shall be lawful for the lord or the tenant to require and compel the extinguishment of all such claim to heriots, and the enfranchisement of the lands subject thereto, in the same way as if such lands were copyhold; and the same proceedings shall thereupon be had as are herein and in the Copyhold Act, 1852, mentioned with reference to the enfranchisement of copyhold lands, or as near thereto as the nature of the case will admit.

8. *Mode of effecting compulsory Enfranchisements.*] When any lord or tenant shall, under the provisions of the Copyhold

Act, 1852, or of this Act, require the enfranchisement of any land held of a manor, he shall give notice in writing (the lord or his steward to the tenant, or the tenant to the lord or his steward), of his desire that such land shall be enfranchised; and the consideration to be paid to the lord for such enfranchisement, and also the sum to be paid to the lord in respect of such fine or heriot as mentioned in the last preceding clause, shall, unless the parties agree about the same, be ascertained under the directions of the Copyhold Commissioners, and upon a valuation to be made in the manner following; that is to say,

Where the manorial rights to be compensated shall consist only of heriots, rents, and licenses at fixed rates to demise or fell timber, or any of these, or where the land to be enfranchised shall not be rated to the poor's rate at a greater amount than the net annual value of twenty pounds, then the valuation shall be made by a valuer to be nominated by the justices at a petty sessions holden for the division or place in which the manor or the chief part thereof is situate; provided that no justice, being lord, either in whole or in part, of such manor, shall take any part in nominating such valuer; subject, however, to these provisos: First, that if the parties agree to recommend to the commissioners any person to be the valuer, such person shall be nominated by the commissioners; and second, that either party may, upon paying the charges of his own valuer, have the valuation made as next hereinafter provided:

When Commissioners shall fix Consideration.—When Commissioners to appoint Umpire. But when the manorial rights to be compensated do not consist only of rents and heriots and such licenses as aforesaid, or when the land to be enfranchised is rated to the poor's rate at a greater amount than the net annual value of twenty pounds, or where the valuation to be made is of the sum to be paid to the lord in respect of such fine or heriot as mentioned in the last preceding clause, then the valuation shall, unless the parties agree to refer it to one valuer, be made by two valuers, one to be appointed by the lord, and the other by the tenant; and such two valuers, before they proceed, shall appoint an umpire, to whom any points in dispute between them shall be referred; and in case the valuer or valuers or umpire, as the case may be, shall not make a decision and deliver the particulars thereof in writing to the lord or the steward and to the tenant, and to the Copyhold Commissioners, within forty-two days after the appointment of such valuers, or reference of the matter to the umpire, as the case may be, then the commissioners shall fix the consideration to be paid or rendered to the lord; and in any case where, after notice to the lord or to the steward or to the tenant so to do, either party shall neglect or refuse, for twenty-eight days, to appoint his valuer, the commissioners shall appoint a valuer for him as soon as may be after the expiration of such twenty-eight days; and in any case where any valuers shall, for the space of fourteen days after the appointment, be unable to agree in the appointment of an umpire, the commissioners shall appoint an umpire.

9. *Extension of Time for Appointments, &c.* The commissioners may, by an order under seal, extend the time within which this Act directs that any valuer be appointed, or any act to be done by such valuer be performed.

10. *Award of Enfranchisement.* After the valuation has been made, or upon the receipt of the agreement of the parties, the commissioners, having made such inquiries concerning the circumstances of the case as to them shall seem fit, and having duly considered the applications made to them by the parties, may frame an award of enfranchisement in the terms of the valuation, and in such form as they shall provide, and may confirm the same; and such confirmed award shall have the same force and validity for all purposes of enfranchisement or otherwise as a deed of enfranchisement now has under the provisions of the Copyhold Acts, or would have had under any provision of the Copyhold Acts, which is by this Act repealed; and for all purposes of declaring the amount, nature, and particulars of the compensation, and for attaching thereto the remedies provided by the Copyhold Acts, the said confirmed award shall have the same force and validity as an award made by valuers or an umpire under the provisions of the Copyhold Acts: Provided nevertheless, that nothing herein contained shall affect the right of the steward for the time being of any manor to receive such sum of money by way of compensation or otherwise as he would have been entitled to if such enfran-

chisement had been effected by a deed of enfranchisement under the provisions of the Copyhold Acts or any of them: Provided also, that the commissioners shall, fourteen clear days before confirmation of any such award, serve a copy of the same in the form in which it is proposed to be confirmed upon the steward of the manor of which the lands to be enfranchised are held.

11. *Corn Rent-charges to be calculated as Tithe Rent-charges.* Whenever a rent-charge hereafter granted under the provisions of the Copyhold Acts shall be a rent-charge varying with the price of corn, such rent-charge shall not be calculated in the manner now directed by the Copyhold Acts, but shall be calculated upon the same averages and variable in the same manner as a tithe commutation rent-charge; but this amendment shall apply only to corn rent-charges hereafter to be imposed, and not to any already existing under the authority of the Copyhold Acts, but these last-named corn rent-charges shall retain their former character and incidents.

12. *Receipts for Consideration Money, &c. to be produced.* The commissioners shall not confirm any award of enfranchisement where the consideration is a gross sum of money immediately payable, or land, until the receipt of the person entitled to receive the consideration or compensation money has been produced to them, or the conveyance of the land has been confirmed by them.

13. *In case of Refusal by Lord.* If the lord refuse to receive the enfranchisement money it shall be dealt with as is provided in cases where the lord is only entitled for a limited estate.

14. *Owners of enfranchised Lands may use the Soil for Purposes connected with the Enjoyment of the Surface.* After enfranchisement, whether under the voluntary or compulsory proceedings of "the Copyhold Acts," the owner of the lands so enfranchised shall, notwithstanding any reservation of mines or minerals in the said Acts or in any instrument of enfranchisement contained, have full power and right to disturb or remove the soil so far as may be necessary or convenient for the purposes of making roads or drains or erecting buildings or obtaining water upon the said lands: Provided always, that this shall not prejudice the rights to any mines or minerals, or to work and carry away the same, which were reserved by section 48 of "The Copyhold Act, 1852."

15. *Enfranchisement Money may be paid to official Trustees of Charitable Funds.* In the case of a corporation or other lord of any manor holden upon any charitable trust within the provisions of the "Charitable Trust Act, 1853," or "Charitable Trust Amendment Act, 1855," not authorised to make an absolute sale otherwise than under the provisions of the said last-mentioned Acts or of the Copyhold Acts, the consideration money to be paid for the redemption or sale of any rent-charge, or as compensation for any enfranchisement, may, at the option of the lord, be paid into the hands of the official trustees of charitable funds acting under the said Charitable Trusts Acts, in trust for the charity to which the manor shall belong; and the principal moneys shall be applied by the trustees, under the order of the Charity Commissioners for England and Wales, for the purposes to which the said money if paid into the Bank of England in the name of the Accountant-General of the Court of Chancery would be applicable under the Copyhold Acts, and in the meantime shall be invested, and the dividends of such investments shall be applied, according to the provisions of the said Acts relating to charitable funds paid to such official trustees.

16. *Enfranchisement Money for the Use of a Corporation, &c., may, at the Option of the Lords of the Manor, be paid into the Hands of Trustees.* Any consideration or compensation money to be paid to the use of a corporation, lord of a manor, other than of a manor holden for charitable purposes within the meaning of the "Charitable Trust Act, 1853," and "Charitable Trust Amendment Act, 1855," may, at the option of such lord, be paid into the hands of trustees, to be nominated by the commissioners by order under seal, in the same manner as in other cases already provided for in the Copyhold Acts, and the money shall be applied by the trustees, with the consent of the commissioners, to the purposes to which consideration or enfranchisement money paid into the Bank of England in the name of the Accountant-General is directed by the Copyhold Acts to be applied; and upon every vacancy in the office of such trustee, or in case any such trustee should be desirous of resigning, or should become incapable of acting, some other person shall be appointed by the commissioners in like manner.

17. *Enfranchisement Money for the Use of any Spiritual Person may be paid to the Governors of Queen Anne's Bounty.* Any

compensation or consideration money paid for the use of any spiritual person in respect of his benefice or cure may, at the option of the lord, be paid to the "Governors of Queen Anne's Bounty for the Augmentation of the Maintenance of the Poor Clergy," and when so paid shall be applied and disposed of by the said governors as money in their hands appropriated for the augmentation of such benefice or cure should by law; and under the rules of the said governors, be applied and disposed of; and the receipt of the treasurer of the said governors shall be a sufficient discharge for such money, and the person paying the same to such treasurer shall not be concerned to see to the application or disposal thereof.

18. *Commencement of Enfranchisement.*] The commencement of every commutation or enfranchisement, and of any rent-charge, may be fixed by the memorandum of confirmation of the instrument of commutation or enfranchisement, or, in default of being so fixed, it shall take place on the day of confirmation; but the commissioners shall have power to fix the day whence the half-yearly payments of the rent-charge shall commence to be calculated, at any period not more than six months posterior to the day fixed for the commencement of the commutation or enfranchisement; and the portion of rent-charge which shall accrue between the day of the commencement of the commutation or enfranchisement and the day fixed by the commissioners as the day whence the half-yearly payments of the rent-charge shall commence to be calculated shall be paid and recoverable in like manner as any after-accruing half-yearly sum is payable or recoverable.

19. *Notice to be given to the Ecclesiastical Commissioners in Cases wherein they are interested.*] Where any land proposed to be enfranchised under this Act shall be held of a manor belonging either in possession or reversion to an ecclesiastical corporation within the meaning of the 14th & 15th Vict. c. 104, the Ecclesiastical Commissioners for England shall have notice of such proceedings, and shall have the same power of expressing assent to, or dissent from, such proceedings as is by this Act directed with respect to persons entitled to the next estate of inheritance in reversion or remainder, and the provisions of the Copyhold Acts respecting such notices, and all proceedings thereon (except as otherwise by this Act is provided), shall be applicable to such cases.

20. *Notices how to be given.*] Where notice or other writing is required to be given to or served on any designated person or party, it may be given either by sending it by the post in a registered letter to, or by leaving it at the office or usual place of abode of such person, and all notices required to be given by the commissioners or any valuer (the mode of giving which is not particularly directed) may be in the name either of the person giving the notice, or of any person authorised by the commissioners to give notice, and all notices so given shall be deemed sufficient notices to all persons concerning all matters and things to which such respective notices may relate.

21. *Consideration Money, &c., may be charged on Land.*] Whenever by the Copyhold Acts power is given, or an obligation attaches, to any person to pay money as consideration or compensation for commutation or enfranchisement, it shall be lawful for such person, with the consent of the commissioners, to charge upon the land commuted or enfranchised the sum of money paid.

22. *Value of Land given as Enfranchisement Consideration may be charged.*] Whenever land is conveyed as consideration or compensation for commutation or enfranchisement, and the person conveying the same was absolute owner of the land so conveyed, it shall be lawful for such person, with the consent of the commissioners, to charge upon the land commuted or enfranchised, such reasonable sum as in the judgment of the commissioners may be equivalent in value to the land so conveyed.

23. *Power to Lords to charge the Land purchased.*] Where power is by the Copyhold Acts given to the lord to purchase the tenant's interest in land, he shall have the same right to charge the land purchased, and also the manor and any land settled therewith to the same uses, as a tenant has under this Act to charge enfranchisement moneys.

24. *Expenses may be charged.*] Any expenses incurred in proceedings under the Copyhold Acts may be charged upon the manor or upon the land commuted or enfranchised, or upon both, according as the obligations to pay may attach, or expenses payable by the lord may be paid out of the compensation or consideration money, or be charged upon the rent-charge or other consideration or compensation for commutation or enfranchisement.

25. *How Consideration Money, &c., may be charged.*] Any charge under this Act in respect of consideration or of compensation money, or of purchase-money, or of the value of land conveyed, may, when the parties so agree, and the commissioners approve, be made for a principal sum and interest; or for a series of periodical payments, which, at the termination thereof at the period specified, shall leave the manor or land discharged.

26. *Certain Expenses may be charged as Consideration Money.*] Whenever by the provisions of the Copyhold Acts any lord or tenant is authorised to raise money upon charge, or to purchase or convey any land, and to charge the principal or the purchase-money or the value upon a manor or land, then the expenses incurred about the raising of such money upon charge, or incurred about the purchase, or purchase and conveyance, shall (but as distinct from the general expenses of commutation or enfranchisement) be considered for all purposes or effects of charging as part of the principal purchase-money or value to be charged.

27. *Charge for Expenses not to exceed Fifteen Years.*] All other charges in respect of expenses of proceedings under the Copyhold Acts (except the expenses of a purchase by a lord) shall be for such period as the parties may agree and the commissioners may approve, not exceeding fifteen years, and at such interest as stated in the certificate of charge.

28. *Commissioners may in certain Cases grant Certificates of Charge for Expenses.*] If by reason of disputes as to title it shall appear to the commissioners to be uncertain upon what person the order to pay costs or expenses should be made, the commissioners may, if they shall so see fit, grant to the person entitled to receive payment of such costs or expenses a certificate of charge upon the manor or land, as the case may be, in respect of which such costs or expenses were incurred, which shall operate in all respects as other certificates of charge under this Act.

29. *Certificate of Charge.*] Every charge under this Act shall be made by a certificate under seal of the commissioners, and countersigned by the person at whose instance the charge is made, to be called a certificate of charge; and if such charge shall be a series of periodical payments which, at the termination thereof at a period specified, shall leave the manor or land discharged, such series shall be specified in the certificate; but if the charge shall be a principal sum bearing interest, and repayable at or before a certain future date, or after a certain notice, then such certificate shall specify the whole amount of principal money to be charged, and shall contain a proviso declaring that such certificate shall be void on payment of the amount thereby secured, with any arrears of interest due thereon, at a time therein appointed, or at the expiration of an ascertained notice; and such certificate shall state whether the charge was made in respect of costs or expenses, or in respect of consideration or compensation money, and may specify any place, to be agreed upon between the parties, as the place of payment of the principal money and interest charged by such certificate; and the manor or land charged thereby may be described by reference to the enfranchisement proceedings under the Copyhold Acts, or otherwise, as the commissioners may see fit.

30. *Certificate transferable.*] Every certificate and the charge thereby made shall be transferable by indorsement on such certificate.

31. *Lord's Charge to be appurtenant to the Manor.*] Whenever a lord of limited interest shall be entitled to a certificate of charge in respect of enfranchisement money left chargeable upon the land enfranchised, the charge shall remain appurtenant and appurtenant to the manor (but not so as to be incapable of being severed therefrom, or to be affected by the extinction thereof); and the certificate of charge shall state that the lord to whom such certificate is issued has only a limited interest in such charge, or it may purport to be issued to the lord for the time being of the manor; and either of such statements in such certificate shall be notice to all persons of the limited interest in such charge which may pass by transfer of such certificate.

32. *Stamp Duty.*] Every award of enfranchisement, certificate of charge, and transfer thereof, issued or made under this Act, shall be chargeable with the like stamp duties as are chargeable in respect of deeds of enfranchisement, mortgages, and transfers of mortgages.

33. *Priority of Charge.*] Any charge under this Act made in consideration of the value of land conveyed as consideration, or of consideration or compensation money, or of purchase

money, or of the expenses of purchase and conveyances, shall be a first charge on such manor or land, and shall have priority over all mortgages, charges, and incumbrances whatsoever affecting such manor or land (except title commutation rent-charges, and any charges or rent-charges which may have been or shall be charged upon the same land for the drainage thereof, by virtue of any of the statutes in that behalf), notwithstanding the actual priority in point of date or anterior title of such mortgages, charges, and incumbrances; but any moneys already invested or previously secured or charged thereon may be continued on the security of the same, notwithstanding the imposition of the said charge under this Act.

34. *Charge not to merge.* Any such certificate of charge may be taken by any person, although he may be the lord or tenant or owner of any manor or land charged thereby; and the same shall not merge in the freehold, unless the owner of such charge shall, by indorsement upon the certificate of charge or otherwise, declare in writing that it is his will that such charge shall merge and cease.

35. *Sums charged how to be recovered.—Land charged with Enfranchisement Considerations as on Mortgage in Fee.* The owner for the time being of a certificate of charge shall, in respect of any payment in the nature of interest or instalment that may become due under the certificate, have the same remedies and be subject to the same conditions in the recovery thereof as are by the Copyhold Acts provided in respect of rent-charges; and for a further and additional remedy in that behalf, and in respect of any payment in the nature of interest, or of a periodical payment, or of an instalment, or of a gross principal sum, that may be secured by the certificate, the manor or land shall, from the date of the certificate, stand charged with the respective sums mentioned in such certificate to be payable, and until such payment the owner for the time being of the certificate shall be deemed to stand seised of the manor or land as a mortgagee in fee thereof, and it shall be lawful for the person so seised from time to time to adopt such means and proceedings as a mortgagee in fee of freehold land is entitled to, for the enforcing payment of principal sums, or interest, with the like right to obtain payment of all attendant and incident costs and expenses.

36. *Form of Certificate of Charge.* A certificate of charge may be in the form following:—

"We, the Copyhold Commissioners, do hereby certify, that the land mentioned in the schedule to this certificate is charged with the payment to A. B., his executors, administrators, or assigns [or 'to the lord of the manor of — for the time being,' as the case may be] of the following series of periodical payments; that is to say, the sum of £—, payable on the — day of —, A.D. —; the further sum of £—, payable on the — day of —, A.D. —, &c. [or 'with the principal sum of £—, with interest thereon after the rate of — per centum per annum, the principal to be repayable in manner following; that is to say, state the terms]; and we do further certify that this certificate of charge was made in respect of consideration money [or in respect of expenses]; and further, that after payment of the series of periodical payments above mentioned [or after payment of the principal money hereby charged, and all arrears of interest due thereon], this certificate shall be void. In witness whereof we have hereunto set our hands and the seal of the said commissioners, this — day of —, A.D. 18—.

"The Schedule.

E. F.
G. H."

37. *Form of Transfer of Certificate.* A transfer of a certificate of charge may be in the form following:—

"I, A. B., of —, hereby transfer the within certificate of charge to C. D., of —,

"Dated this — day of —, A.D. —.

A. B."

38. *Owner of Two-thirds in undivided Shares to be "Tenant."* When land is held in undivided shares the person for the time being in receipt of at least two-thirds of the value of the rents and profits of such land shall be the tenant of such land for all the purposes of "the Copyhold Acts."

39. *Agent may be appointed by Power of Attorney.* It shall be lawful for any lord or tenant of a manor, or any other person interested in any proceedings under this Act, by a power of attorney given in writing under his hand, or, in the case of a corporation aggregate, under the common seal of such corporation, from time to time to appoint an agent to act for him in carrying into execution the provisions of this Act; and all

things which by this Act are directed or authorised to be done by or in relation to any person may be fully done by or in relation to the agent so duly authorised of such person; and every such agent shall have full power, in the name and on behalf of his principal, to concur in and execute any agreement or application or other document arising out of the execution of this Act; and every person shall be bound by the acts of any such agent, according to the authority committed to him, as fully as if the principal of such agent had so acted; and the power of attorney under which the agent shall have acted, or a copy thereof authenticated by the signature of two credible witnesses, shall be sent to the office of the commissioners; and any such power of attorney may be in the form following:—

"Manor of —, in the county of —, do hereby appoint C. D., of &c., to be my lawful attorney, to act for me in all respects as if I myself were present and acting in the execution of 'The Copyhold Act, 1858.' Dated this — day of —, 18—.

"(Signed) A. B."

40. *Revocation of Power of Attorney.* If any person, having made such an appointment as last aforesaid, shall deliver notice in writing, or under a common seal (as the case may require), of the revocation thereof to the commissioners, no act which shall be done by the person so appointed, after the delivery of such notice, without a fresh appointment, shall bind the principal.

41. *Arbitration in case of Difference as to Terms of Enfranchisement in Crown Manors.* In any case in which the Commissioners of her Majesty's Woods, Forests, and Land Revenues, or either of them, on behalf of her Majesty in right of her crown, or the Chancellor and Council of the Duchy of Lancaster, on behalf of her Majesty in right of her said duchy, shall at any time hereafter have proceeded, in exercise of the powers vested in them, to negotiate the terms for the enfranchisement of any hereditaments held of any manor vested in her Majesty in right of her crown or of her Duchy of Lancaster, either in possession or in remainder expectant on any estate less than an estate of inheritance, and either solely or in coparcenary with any subject or subjects, and a difference of opinion shall arise between the said commissioners, or either of them, or the said chancellor and council, on the one hand, and the tenant of the said hereditaments on the other hand, touching the amount of the consideration money to be paid by the tenant to the said commissioners or to the said Receiver-General of the Duchy of Lancaster for such enfranchisement, it shall be lawful for the said commissioners, or either of them, or for the said chancellor and council, if they or he respectively shall so think fit, on the request of the tenant, and upon an agreement for the enfranchisement being entered into by them or him with such tenant, to refer it to the Copyhold Commissioners to appoint, as they are hereby authorised to do, some practical land surveyor to determine the amount of the consideration money to be paid to the said commissioners, or to the said Receiver-General of the Duchy of Lancaster for such enfranchisement, and the award of such land surveyor shall be final and conclusive, and shall not be subject to appeal or revision; and the costs and expenses of and incident to any reference to the Copyhold Commissioners, to be made as hereinbefore provided, shall be treated as costs and expenses incurred in the case of a compulsory enfranchisement at the instance of a tenant.

42. *Provision as to Enfranchisements in Manors belonging to the Crown in Remainder, &c.* Any manor vested in her Majesty in right of her Crown, in remainder or reversion expectant on an estate of inheritance, and any hereditaments held of such manor, may, with the consent in writing from time to time of the Commissioners of her Majesty's Woods, Forests, and Land Revenues, or any one of them, be dealt with under the Copyhold Acts.

43. *Provision as to Payment of Compensation for such Enfranchisements.* In every case of an enfranchisement of land held of any manor so vested in her Majesty in remainder or reversion expectant on an estate of inheritance, where the compensation under the provisions of the Copyhold Acts shall be a gross sum of money, the same shall be paid to such two persons, as trustees, as shall be from time to time nominated for the purpose by the Commissioners of her Majesty's Woods, Forests, and Land Revenues, or any one of them, and by the person who shall for the time being be entitled to the receipt of the rents and profits of the manor, one of such trustees being from time to time nominated by the commissioners, or one of them, and the other of such trustees being from time to time nominated by the person so entitled for the time being: Provided always, that

in any case in which the commissioners, or one of them, and the person for the time being so entitled, shall not upon the occasion of any enfranchisement agree that the compensation, if payable in a gross sum of money, shall be paid to trustees, the same shall, with all convenient speed, be paid into the Bank of England, in the name and with the privity of the Accountant-General of the Court of Chancery, to be placed to his account there ex parte the Queen's most excellent Majesty and the person so for the time being entitled, and when so paid in the compensation shall remain to such account as aforesaid, until, by order of the Court, to be made in a summary way upon petition, after notice to the Commissioners of her Majesty's Woods, Forests, and Land Revenues, by the person who may be entitled to the rents and profits of the manor, it shall be applied in manner by this Act provided.

44. *Application of such Enfranchisement Money.*] The compensation money paid for any such enfranchisement shall be applied by any trustees to be from time to time so nominated, or by direction of the Court of Chancery, if the same shall have been paid into the Bank of England to the credit of the Accountant-General of the Court, in the purchase or redemption of land-tax affecting the manor, or any other land settled on the like uses as the manor, or in the purchase of land of fee-simple tenure, and convenient to be held with the settled estates; and until such application of the compensation money, it may, by any such trustees, or by the Accountant-General of the Court of Chancery, under order of the Court, to be made upon application thereto, after notice to the Commissioners of her Majesty's Woods, Forests, and Land Revenues, to be from time to time invested, in the names or name of such trustees or of the Accountant-General, in the purchase of or upon Government or real securities; and in the meantime, and until such securities be sold or realised by the trustees, or pursuant to any order of the Court for either of the purposes aforesaid, the income thereof shall be paid by the trustees or by the Accountant-General, under order of the Court, to the person who for the time being may be entitled to the rents and profits of the manor.

45. *Land to be purchased with Enfranchisement Money to be settled to same Uses as Manor may stand limited to.*] Any land to be purchased with any compensation money to be paid or any rent-charge to be granted or awarded as the consideration for any such enfranchisement shall be settled to such uses, upon such trusts, and subject to such powers and provisions, as will most nearly correspond with the uses, trusts, powers, and provisions then affecting the manor in which such enfranchisement shall be made, and all such uses, trusts, powers, and provisions shall be valid, and have full effect, any law to the contrary notwithstanding.

46. *As to Execution of Enfranchisement Deed.*] Upon payment of the compensation money as by this Act provided, in any case in which such compensation is made by payment of a gross sum of money, or previously to, or contemporaneously with, the execution of a deed of grant, or of an award by the Copyhold Commissioners of a rent-charge, in any case in which the compensation for an enfranchisement shall be made by way of rent-charge, the Commissioners of her Majesty's Woods, Forests, and Land Revenues, or any one of them, may concur with the person for the time being entitled to the rents and profits of the manor in executing a deed of enfranchisement to the copyholder of the land to be enfranchised, which shall state in what manner the enfranchisement money, if any, has been applied; and such deed of enfranchisement shall, when a memorial thereof is enrolled, as by this Act provided, be effectual to vest in the copyholder all the estate, right, and interest of the Queen's Majesty, her heirs and successors, in right of her Crown, and of all other persons interested therein under the settlement of the manor in the land enfranchised, either absolutely or subject to such reservations as may be agreed upon; but nothing contained in this Act with reference to enfranchisements by awards of the Copyhold Commissioners shall apply to manors in which her Majesty, her heirs or successors, may have any estate or interest in possession, reversion, or remainder.

47. *Record of such Enfranchisements to be preserved in Office of Land Revenue Records.*] The Keeper of Land Revenue records and Enrolments shall, for the purpose of preserving a record of such enfranchisements as last aforesaid, from time to time provide a book or books in which shall be entered a memorial of every deed of enfranchisement of land held of any manor, and of every award or grant of any rent-charge, and of every deed of conveyance which shall be executed upon the purchase of land with moneys arising from the enfranchisement of lands within any such manor (such last-mentioned memorial being in every case accompanied by a plan of the land purchased);

and every such memorial shall be under the hand of one of the parties to the deed of enfranchisement, or conveyance, award, or grant; and no such deed, award, or grant shall have effect until there be written thereon a certificate signed by the keeper of land revenue records and enrolments; that a memorial thereof hath been lodged at the office of Land Revenue Records and Enrolments; and in the absence of evidence to the contrary of the fact stated therein, such certificate shall be admissible in evidence in any court of justice, or before any person now or hereafter having by law, or by consent of parties, authority to hear, receive, or examine evidence, without proof of the signature thereto, or of the fact that the person signing or purporting to sign the same, is the Keeper of Land Revenue Records and Enrolments for the time being; and a copy of the enrolment of the memorial, certified in the manner provided by an Act passed in the 16th Vict. c. 62, s. 8, shall be receivable as evidence of the deed or facts referred to in such memorial.

48. *The Commissioners of Woods &c. to indemnify Trustees for the Crown.*] Every trustee so nominated by the Commissioners of her Majesty's Woods, Forests, and Land Revenues, or one of them, shall be absolutely indemnified by the said commissioners for the time being out of the rents and profits of the possessions and land revenues of the Crown, and from all such costs, charges, damages, and expenses (if any) as he may in anywise whatsoever incur or be put to in consequence of having been so nominated, and which he may not be able to obtain repayment of out of the trust moneys.

49. *The Treasury to direct what Fees shall be taken for Enrolment of Memorials, &c.*] The Commissioners of her Majesty's Treasury may direct what reasonable fees shall be from time to time paid in respect of the revision and enrolment, as by this Act provided, of any such deed of enfranchisement or conveyance of any land to be so purchased, and such fees shall be deemed to be part of the expenses of the enfranchisement or purchase, as the case may be, and shall be paid or be recoverable accordingly.

50. *Provision as to Manors held in Joint Tenancy with the Crown.*] Any manor vested in her Majesty in right of her Crown in possession, remainder, or reversion, in joint tenancy or coparcenary with any subject, may, so far as regards the rights and interests of such subject, and of the tenant of such manor, be dealt with under the Copyhold Acts; and the provision of this Act in regard to enfranchisements in manors vested in her Majesty in right of her Crown in remainder or reversion expectant on an estate of inheritance shall apply to manors so vested in her Majesty in joint tenancy or coparcenary with any subject, so far as respects the share or interest in any such manor to which her Majesty may be so entitled.

51. *"Ecclesiastical Corporation" not to extend to Christ Church, Oxford.*] In the construction of this Act the words "ecclesiastical corporation" shall not be taken to extend to or include the cathedral or house of Christ Church, Oxford.

52. *Act to be Part of the Copyhold Acts.*] This Act shall be taken and construed as part of The Copyhold Acts, and may be cited either generally under the term "The Copyhold Acts," or specifically as "The Copyhold Act, 1858."

CAP. XCV.

An Act to amend the Act of the Twentieth and Twenty-first Victoria, Chapter Seventy-seven. [2nd August, 1858.]

WHEREAS in the last session of Parliament an Act was passed, intituled "An Act to amend the Law relating to Probates and Letters of Administration in England" [20 & 21 Vict. c. 77], hereinafter designated "The Court of Probate Act;" And whereas it is expedient to amend the same: Be it therefore enacted &c. as follows:—

1. *The Judge of the High Court of Admiralty and the Judge of the Court of Probate may sit for each other.*] It shall be lawful for the Judge of the High Court of Admiralty to sit in open court or in chambers for the Judge of her Majesty's Court of Probate, and it shall be lawful for the Judge of her Majesty's Court of Probate to sit in open court or in chambers for the Judge of the High Court of Admiralty; and all orders, decrees, or sentences, and other acts whatsoever, made, decreed, pronounced, or done by either of the judges aforesaid acting for the other, shall, in the court books, be stated to have been made, decreed, pronounced, or done by such judge sitting and acting on behalf of such other judge; and such orders, decrees, sentences, and other acts so made, decreed, pronounced, or done, shall have the same force and validity in law as if they had been made, decreed, pronounced, or done by the judge on

whose behalf they purport to have been so made, decreed, pronounced, or done.

2. *Serjeants and Barristers may practise in Court of Probate.*] All serjeants and barristers-at-law shall be entitled from and after the passing of this Act to practise in all causes and matters whatsoever in the Court of Probate.

3. *The Judge of the Court of Probate may sit in Chambers.*] It shall be lawful for the Judge of the Court of Probate for the time being to sit in chambers for the despatch of such part of the business of the said Court as can, in the opinion of the said judge, with advantage to the suitors, be heard in chambers; and the times at which such sittings shall be held shall from time to time be fixed by the judge: Provided always, that no question shall be heard in chambers which either party shall require to be heard in open court.

4. *The Treasury to cause Chambers to be provided.*] The Commissioners of her Majesty's Treasury shall from time to time provide chambers in which the Judge of the Court of Probate shall sit for the despatch of such business as aforesaid; and until such chambers are provided elsewhere the said judge shall sit in chambers in any room which he may find convenient for the purpose.

5. *Powers of Judge when sitting in Chambers.*] The Judge of the Court of Probate, when so sitting in chambers, shall have and exercise the same power and jurisdiction in respect of the business to be brought before him as if sitting in open court.

6. *Power to appoint an additional Registrar.*] Whereas there are now three registrars only of the principal registry of the said court, that is to say, Augustus Frederic Bayford, the senior registrar; Charles John Middleton, the second registrar; and Edward Francis Jenner, the third registrar: And whereas the duties of the said principal registry cannot be efficiently discharged by three registrars: Be it enacted, That it shall be lawful for the judge of the said court to appoint a fourth registrar for the principal registry of the said court, in addition to the three registrars appointed under the Court of Probate Act; and from and after the appointment of such fourth registrar there shall be paid to each of the said registrars the annual salary mentioned in the schedule to this Act, in lieu of the salary provided by the Court of Probate Act, such salaries to be paid out of any moneys provided by Parliament for the purposes of the said Act: Provided always, that nothing herein contained shall be construed to diminish the salary of any of the three registrars appointed before the passing of this Act.

7. *Vacancy in Office of Registrar, how to be filled up.*] On the death, resignation, or removal of any of the four registrars of the said principal registry, other than the junior registrar for the time being, the vacancy thereby occasioned shall be filled up by the registrar next in seniority to whom no sufficient objection shall be made to the satisfaction of the judge of the said Court.

8. *Clerks in the Principal Registry eligible to be Registrars, &c.*] Clerks having served five years in the principal registry of the Court of Probate shall be eligible to be appointed registrars or district registrars of the said Court.

9. *Certain Articled Clerks to be admitted Proctors of the Court of Probate.*] It shall be lawful for the Judge of the Court of Probate to admit any person who at the time of the passing of the Court of Probate Act was articled to a proctor in Doctors' Commons, or to a proctor belonging to any ecclesiastical court, so soon as he shall have served the full term for which he was articled, or within the period of one year therefrom, to be a proctor of her Majesty's Court of Probate, upon the payment of such fees as shall be fixed by the judge of the said Court, with the sanction of the Commissioners of her Majesty's Treasury.

10. *Where Personalty is under £200 County Court to have Jurisdiction.*] Where it appears by affidavit, to the satisfaction of a registrar of the principal registry, that the testator or intestate in respect of whose estate a grant or revocation of a grant of probate or letters of administration is applied for had at the time of his death his fixed place of abode in one of the districts specified in schedule (A.) to the said "Court of Probate Act," and that the personal estate in respect of which such probate or letters of administration are to be or have been granted, exclusive of what the deceased may have been possessed of or entitled to as a trustee, and not beneficially, but without deducting anything on account of the debts due and owing from the deceased, was at the time of his death under the value of two hundred pounds, and that the deceased at the time of his death was not seized or entitled beneficially of or to any real estate of the

value of three hundred pounds or upwards, the judge of the county court having jurisdiction in the place in which the deceased had at the time of his or her death a fixed place of abode shall have the contentious jurisdiction and authority of the Court of Probate in respect of questions as to the grant and revocation of probate of the will or letters of administration of the effects of such deceased person, in case there be any contention in relation thereto.

11. *Sect. 54 of 20 & 21 Vict. c. 77, repealed.*] Sect. 54 of the said Court of Probate Act shall be, and the same is, hereby repealed.

12. *Sect. 59 of 20 & 21 Vict. c. 77, to apply to Applications for Revocation of Grants.*] The said Court of Probate Act, a 59, shall, so far as the county courts or a judge thereof are concerned, apply to an application for the revocation of a grant of probate or administration as well as to an application for any such grant.

13. *Power to make Rules and Orders and frame Seals of Fee for the County Courts.*] The power and authority to make rules and orders for regulating the proceedings of the county courts shall extend and be applicable to all proceedings in the county courts under this Act, and also to framing a scale of costs and charges to be paid to counsel, proctors, solicitors, and attorneys, in respect of proceedings in county courts, under the said Court of Probate Act or this Act.

14. *Noncontentious Business pending in any Ecclesiastical Court to be transferred.*] All noncontentious business pending in any ecclesiastical court at the time when "The Court of Probate Act" came into operation shall be deemed to have been transferred to the Court of Probate, in the same way as all pending suits were transferred to the said Court under the said Act, and all acts executed under the authority of any such ecclesiastical court with reference to such business which would have been valid if the authority of such Court had not been abolished shall be valid, and all oaths and bonds sworn and executed in manner required by any such ecclesiastical court in reference to such business, prior to the 11th January, 1858, shall continue to have and be deemed to have had the same force and effect in law as they would have had if sworn and executed in pursuance of the provisions of the said Act or of this Act.

15. *Bonds given before Jan. 11, 1858, to remain in force.*] Bonds given to any archbishop, bishop, or other person exercising testamentary jurisdiction in respect of grants of letters of administration made prior to the 11th January, 1858, or in respect of grants made in pursuance of the Court of Probate Act or of this Act, whether taken under a commission or requisition executed before or after the said 11th January, shall enure to the benefit of the judge of the Court of Probate, and, if necessary, shall be put in force in the same manner and subject to the same rules (so far as the same may be applicable to them) as if they had been given to the judge of the said Court subsequently to that day.

16. *An Executor not acting or not appearing to a Citation to be treated as if he had renounced.*] Whenever an executor appointed in a will survives the testator, but dies without having taken probate, and whenever an executor named in a will is cited to take probate, and does not appear to such citation, the right of such person in respect of the executorship shall wholly cease, and the representation to the testator and the administration of his effects shall and may, without any further renunciation, go, devolve, and be committed in like manner as if such person had not been appointed executor.

17. *Judge of the Court of Probate may amend Grants made before Jan. 11, 1858.*] The judge of the Court of Probate shall have and exercise the same power of altering and amending grants of probate and letters of administration made before the 11th day of January, 1858, as any ecclesiastical court had and exercised in respect of such grants.

18. *Provisions of 38 Geo. 3, c. 87, and 20 & 21 Vict. c. 77, extended to all Cases of Executors and Administrators.*] The provisions of the 38 Geo. 3, c. 87, and of "The Court of Probate Act," shall be extended to all executors and administrators residing out of the jurisdiction of her Majesty's courts of law and equity, whether it be or be not intended to institute proceedings in the Court of Chancery, and to all grants made before and subsequently to the passing of the last-mentioned Act, and it shall be lawful to alter the language of the grant prescribed by the first-named statute so as to make it apply to grants made in the Court of Probate under the said last-mentioned Act.

19. *Between the Death of the Person deceased and the Grant*

the Property to vest in the Judge Ordinary.] From and after the decease of any person dying intestate, and until letters of administration shall be granted in respect of his estate and effects, the personal estate and effects of such deceased person shall be vested in the judge of the Court of Probate for the time being, in the same manner and to the same extent as heretofore they vested in the ordinary.

20. Second and subsequent Grants to be made where the original Will or the original Letters of Administration are deposited.] All second and subsequent grants of probate or letters of administration shall be made in the principal registry, or in the district registry where the original will is registered or the original grant of letters of administration has been made, or in the district registry to which the original will or a registered copy thereof, or the record of the original grant of administration, have been transmitted, by virtue of a requisition issued in pursuance of s. 89 of "The Court of Probate Act;" and for and in respect of such second or subsequent grants of probate or letters of administration to be made in a district registry it shall not be requisite that it should appear by affidavit that the testator or intestate had a fixed place of abode within the district in which the application is made.

21. The Court of Probate may require Security from a Receiver of Real Estate.] It shall be lawful for the Court of Probate to require security by bond, in such form as by any rules and orders shall from time to time be directed, with or without sureties, from any receiver of the real estate of any deceased person appointed by the said Court, under s. 71 of "The Court of Probate Act;" and the Court may, on application made on motion or in a summary way, order one of the registrars of the court to assign the same to some person to be named in such order; and such person, his executors or administrators, shall thereupon be entitled to sue on the said security, or put the same in force in his or their own name or names, both at law and in equity, as if the same had been originally given to him instead of to the judge of the said court, and shall be entitled to recover thereon, as trustee for all persons interested, the full amount due in virtue thereof.

22. Administration pending Suit deemed to apply to Appeals.] All the provisions contained in the Court of Probate Act respecting grants of administration pending suit shall be deemed to apply to the case of appeals to the House of Lords under the said Act.

23. Registrar may issue Subpoenas to produce Papers, &c.] It shall be lawful for a registrar of the principal registry of the Court of Probate, and whether any suit or other proceeding shall or shall not be pending in the said court, to issue a subpoena requiring any person to produce and bring into the principal or any district registry, or otherwise, as in the said subpoena may be directed, any paper or writing being or purporting to be testamentary, which may be shown to be in the possession, within the power, or under the control of such person; and such person, upon being duly served with the said subpoena, shall be bound to produce and bring in such paper or writing, and shall be subject to the like process of contempt in case of default as if he had been a party to a suit in the said court, and had been ordered by the judge of the Court of Probate to produce and bring in such paper or writing.

24. The Registrars to do all Acts heretofore done by Surrogates.] The registrars of the principal registry shall be invested with, and shall and may exercise, with reference to proceedings in the Court of Probate, the same power and authority which surrogates of the Judge of the Prerogative Court of Canterbury could or might before the passing of the Court of Probate Act have exercised in chambers with reference to proceedings in the said Prerogative Court.

25. Copies of Wills may be certified by a Stamp.] Copies of wills required to be transmitted by a district registrar, and certified by him to be correct copies, under sect. 51 of the Court of Probate Act, may be so certified and transmitted under a stamp provided by the district registrar for that purpose, and approved of by the judge of the Court of Probate.

26. Certificates from the Principal Registry may be stamped.] Certificates issued from the principal registry with reference to notices of applications transmitted from the district registrars under sect. 49 of the Court of Probate Act need not be made under the hand of a registrar of the principal registry, as required by the said Act, but may be issued under a stamp provided for that purpose, and approved of by the judge of the Court of Probate.

27. Requisitions may be issued for the Transmission of a single Paper.] Whereas doubts have been entertained whether a re-

quisition can be issued under sect. 89 of the Court of Probate Act for the transmission of one or more papers only, not being all the papers and documents in the custody of the person to whom any such requisition may be addressed: Be it therefore enacted and declared, that the said section shall be construed to extend to all requisitions, whether for the transmission of one or of more records, wills, grants, probates, letters of administration, administration bonds, notes of administration, court books, calendars, deeds, processes, acts, proceedings, or other instruments relating exclusively or principally to matters and causes testamentary.

28. Power to enforce Decree as to Costs.] The Judge of the Court of Probate, and the registrars of the principal registry thereof, shall respectively, in any case where an ecclesiastical or other Court having testamentary jurisdiction, had previously to the 11th January, 1858, made any order or decree in respect of costs, have the same power of taxing such costs, and enforcing payment thereof, or of otherwise carrying such order or decree into effect, as if the cause wherein such decree was made had been originally commenced and prosecuted in the said Court of Probate; Provided that in taxing any such costs, or any other costs incurred in causes depending in any such courts before the time aforesaid, all fees, charges, and expenses shall be allowed which might have been legally made, charged, and enforced according to the practice of the Prerogative Court of Canterbury.

29. Letters of Administration granted in Ireland not to be revealed in England, until sufficient Bond is given.] Letters of administration granted by the Court of Probate in Ireland shall not be revealed, under s. 95 of the 20 & 21 Vict. c. 79, until a certificate has been filed under the hand of a registrar of the Court of Probate in Ireland that bond has been given to the judge of the Court of Probate in Ireland in a sum sufficient in amount to cover the property in England as well as in Ireland in respect of which such administration is required to be revealed.

30. Commissioners may be appointed in the Isle of Man, &c.] It shall be lawful for the judge of the Court of Probate to appoint, by commission under seal of the Court, any persons practising as solicitors in the Isle of Man, in the Channel Islands, or any of them, to administer oaths, and to take declarations or affirmations, and to exercise any other powers which can be exercised by commissioners of her Majesty's Court of Probate; and such persons shall be entitled from time to time to charge and take such fees as any other persons performing the same duties in the Court of Probate may charge and take.

31. Affidavits, before whom to be sworn when Parties making them reside in Foreign Parts.] In cases where it is necessary to obtain affidavits, declarations, or affirmations to be used in the Court of Probate from persons residing in foreign parts out of her Majesty's dominions, the same may be sworn, declared, or affirmed before the persons empowered to administer oaths under the 6 Geo. 4, c. 87, or under the 18 & 19 Vict. c. 42; provided that in places where there are no such persons as are mentioned in the said Acts, such affidavits, declarations, or affirmations may be made, declared, and affirmed before any foreign local magistrate or other person having authority to administer an oath.

32. Affidavits, before whom to be sworn.] Affidavits, declarations, and affirmations to be used in the Court of Probate may be sworn and taken in Scotland, Ireland, the Isle of Man, the Channel Islands, or any colony, island, plantation, or place out of England under the dominion of her Majesty, before any court, judge, notary public, or person lawfully authorised to administer oaths in such country, colony, island, plantation, or place respectively, or, so far as relates to the Isle of Man and the Channel Islands, before any commissary, ecclesiastical judge, or surrogate, who, at the time of the passing of the Court of Probate Act, was authorised to administer oaths in the Isle of Man or in the Channel Islands respectively; and all registrars and other officers of the Court of Probate shall take judicial notice of the seal or signature, as the case may be, of any such court, judge, notary public, or person, which shall be attached, suspended, or subscribed to any such affidavit, declaration, or affirmation, or to any other document.

33. Persons forging Seal or Signature guilty of Felony.] If any person shall forge any such seal or signature as last aforesaid, or any seal or signature impressed, affixed, or subscribed, under the provisions of the said Act of the 6 Geo. 4, or of the said Act of the 18 & 19 Vict., to any affidavit, declaration, or affirmation, to be used in the Court of Probate, or shall tender in evidence any such document as aforesaid with a false or counterfeit seal or signature thereto, knowing the same to be

alse or counterfeit, he shall be guilty of felony, and shall upon conviction be liable to penal servitude for the term of his life, or for any term not less than seven years, or to be imprisoned with or without hard labour, for any term not exceeding three years nor less than one year; and whenever any such document has been admitted in evidence by virtue of this Act, the Court or the person who has admitted the same may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded, and be kept in the custody of some officer of the court or other proper person, for such period and subject to such conditions as to the said Court or person shall seem meet; and every person charged with committing any felony under this Act may be dealt with, indicted, tried, and, if convicted sentenced, and his offence may be laid and charged to have been committed, in the county, district, or place in which he may be apprehended or be in custody; and every accessory before or after the fact to any such offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence laid and charged to have been committed, in any county, district, or place in which the principal offender may be tried.

34. *Persons taking a false Oath before a Surrogate guilty of Perjury.* Any person who shall wilfully give false evidence, or who shall wilfully swear, affirm, or declare falsely, in any affidavit or deposition before any surrogate having authority to administer oaths under the Court of Probate Act, or before any person who before the passing of the said Act was a surrogate authorized to administer oaths in any of the Channel Islands, or before any person authorized to administer oaths under this Act, shall be liable to the penalties and consequences of wilful and corrupt perjury.

35. *Provision for the necessary Absence of Officers.* In case any officer appointed, or to be appointed, by virtue of the Court of Probate Act, 1857, or of this Act, shall, by reason of ill-health or other infirmity, become temporarily incapable of performing the duties of his office, it shall be lawful for the judge to appoint some other fit and proper person to discharge the duties of such office for any period not exceeding six calendar months at any one time, and the person so appointed shall, during such period, have all the power and authority of the officer in whose place he shall be so appointed, and shall be paid by such officer such sum by way of salary or allowance as shall be agreed upon between them respectively, or be fixed by the judge, and the judge may, at his discretion, give leave of absence to any officer of the Court for any period not exceeding two months in any year, and shall have the like power of making provision for the discharge of the duties of the office during such absence.

36. *The Judge to have the same Powers over Practitioners as Judges of other Courts.* The judge of the Court of Probate shall have and exercise over proctors, solicitors, and attorneys practising in the said Court, the like authority and control as is now exercised by the judges of any Court of Equity or common law over persons practising therein as solicitors or attorneys.

37. *Provision for Expenses of indexing, &c. Documents required to be removed under Requisition.* When any requisition shall issue in pursuance of s. 89 of the Court of Probate Act, 1857, it shall be lawful for the Commissioners of her Majesty's Treasury, out of such moneys as may be provided and appropriated by Parliament for that purpose, to cause to be paid all such expenses attending the arranging, classification, indexing, carriage, or otherwise connected with the removal of the documents or books required by such requisition to be removed, as the judge shall, from time to time, certify to the said Commissioners to be proper and necessary.

38. *Short Title of Act.* In citing the Act of the 20 & 21 Vict. c. 77, in any instrument, document, or proceeding, it shall be sufficient to use the expression, "The Court of Probate Act, 1857," and in citing this Act, the expression "Court of Probate Act, 1858."

SCHEDULE.

Senior Registrar	£1600
Second "	1400
Third "	1200
Fourth "	1000

CAP. XCVI.

An Act to amend "The West Indian Incumbered Estates Act, 1854."

[2nd August, 1858.

WHEREAS it is expedient that "The West Indian Incumbered Estates Act, 1854," should be amended; Be it therefore enacted &c. as follows:

1. *Short Title.* This Act may for all purposes be cited as "The West Indian Incumbered Estates Act, 1858."

2. *Definition of Principal Act, &c.* "The West Indian Incumbered Estates Act, 1854," (hereinafter called "The Principal Act,") and this Act, shall, so far as is consistent with the context and objects of such Acts, be construed as one Act; and this Act and the Principal Act (hereinafter referred to as "these Acts") may for all purposes be cited as "The West Indian Incumbered Estates Acts, 1854, 1858."

3. *Certain Clauses of 17 & 18 Vict. c. 117, repealed.* The 3rd, 10th, 17th, 25th, 32nd, 33rd, 34th, 38th, 45th, and 50th sections of the Principal Act shall be and are hereby repealed.

4. *Construction of Terms, &c.* In the construction and for the purposes of these Acts (except when the context or other provisions of these Acts require a different construction) the following terms shall have the respective meanings hereinafter assigned to them; (that is to say,)

"Land" shall extend to sugar and other plantations, messuages, tenements, rents, and hereditaments, corporeal and incorporeal, of every tenure or description, as well as all fixtures and machinery annexed thereto, and any undivided share thereof;

"Estate" shall extend to an estate in equity as well as at law, and to an equity of redemption;

"Incumbrance" shall mean any legal or equitable mortgage in fee or for any less estate, and also any money secured by a trust, or by judgment, decree, or order of any court of law or equity, and also any debt, portion, legacy, lien, or other charge whereby a gross sum of money is secured to be paid on an event or at a time certain, and also any annual or periodical charges which by the instrument creating the same or by any other instrument is made repurchasable on payment of a gross sum of money, and also any arrear remaining unpaid of any annual or periodical charge for payment of which arrear a sale of any land charged therewith might be decreed by a court of equity, and also any sum of money constituting a charge or lien on land or raiseable out of land;

"Incumbrancer" shall mean any person entitled to such incumbrance, or entitled to require the payment or discharge thereof;

"Possession" shall include the receipt of the rents and profits;

"Owner" shall include any person entitled in possession, either at law or in equity, to land, or to the receipt of the rents and profits thereof, or who would be so entitled if there were no incumbrance on such land, for a term of not less than 30 years unexpired, or for an estate or interest for his own life, or for an estate or interest determinable on the dropping of any life or lives, or for any greater estate or interest;

"Person and Owner" shall extend to a body politic or corporate as well as to an individual;

"Commissioners" shall mean the persons appointed commissioners for the Sale of Incumbered Estates in the West Indies.

5. *Duration of Office and Powers of Commissioners.* The offices of the commissioners, and all powers, rights, and privileges pertaining thereto, shall continue and be in force only for a period of five years next after the day of the passing of this Act, and from thenceforth until the end of the then next session of Parliament.

6. *Commissioners to be a Court of Record, and have Jurisdiction of a Court of Equity.* The commissioners shall constitute one court of record, and shall have all the powers, authority, and jurisdiction of a court of equity in England, and in any colony or colonies within which these Acts may be or come into operation for the investigation of title, and for ascertaining and allowing incumbrances and charges, and the amounts due thereon, and for settling the priority of such charges and incumbrances respectively, and the rights of owners and others, and generally for ascertaining, declaring, and allowing the rights of all persons in any land in respect of which applications may be made under these Acts, or in the money to arise from sales under these Acts, and for all other the purposes of these Acts, and shall have the like authority and jurisdiction for enforcing, rescinding, or varying any contract for sale made under these Acts as are vested in a court of equity in relation to a sale under the direction of such Court; and all proceedings, inquiries, suits, or trials to be taken, made, or had under these Acts, and all investigations of any matters or things arising out of or incidental to any such proceedings, inquiries, suits, or trials, may, subject to the provisions hereinafter contained, be, at any stage or at any time, transferred from England to any colony, or from any colony to England.

7. *Powers of Commissioners to enforce Order.* In all cases within their jurisdiction the commissioners shall, with respect to the following matters (that is to say),

The enforcing the attendance of persons summoned to give evidence;

The enforcing the production of deeds, books, papers, documents, and writings;

The punishing persons refusing to give evidence or guilty of a contempt;

The enforcing any order whatever made by them under any of the powers or authorities of these Acts, or otherwise in relation to the matters to be inquired into and done by them under these Acts;

have all such powers, rights, and privileges, as are by law vested in the High Court of Chancery in England for such or the like purposes in relation to any suit or matter depending in such court, and shall have also, in any colony or other part of her Majesty's dominions, all such powers, rights, and privileges as are possessed by the supreme court of judicature in such colony or other part of her Majesty's dominions, for such or the like purposes in relation to any action, suit, matter, or thing depending in such court; and it shall be lawful for the commissioners either to carry into effect such powers, rights, and privileges, by officers appointed by themselves, or to request the said High Court of Chancery, or such court of judicature as aforesaid, or any officer thereof, to enforce any orders made by them, and such Court or officer shall thereupon enforce the same accordingly.

8. *Restrictions on Sale.* The commissioners shall not make an order for sale of any land upon application by an incumbrancer thereon, in case it be shown to the satisfaction of the commissioners by the owner of such land that no part of such land is subject to any receiver, or is in the possession of any incumbrancer, or has been out of cultivation for the space of twelve months preceding such application, and that the amount of the yearly interest on the incumbrances and other yearly payments (if any) in respect of charges payable out of the income of such land, and the other lands (if any) subject to the same incumbrances, do not exceed one-half of the net yearly income of such land and other lands (if any), such yearly income to be calculated on the average profits or income (if any) derived therefrom, after deducting all the necessary outgoings (if any) during the preceding seven years, or during such other period as the commissioners may, having regard to any special circumstances, think fit, or in case, for any reason whatever, it shall appear to the commissioners unjust or inexpedient that a sale should be made: Provided always, that the decision of the commissioners thereupon, so far as the same relates to their power and jurisdiction over such land, shall in all cases be final and conclusive to all intents and purposes whatsoever.

9. *Tenancies to be ascertained.* Where a sale shall be made under these Acts, the commissioners shall, when and so far as they may deem necessary for the purposes of such sale, ascertain the tenancies of the occupying tenants, and of any lessees, under-lessees, or other parties whose tenancies, leases, under-leases, or other interests, affect the land to be sold, or any part thereof, and may give such notices, and make or cause to be made such inquiries as they shall think necessary for ascertaining and securing the rights of such tenants, lessees, under-lessees, or other parties as aforesaid; and all occupying tenants, and all persons being or claiming to be lessees, under-lessees, or parties interested as aforesaid, shall, at such times and places as the commissioners may require, produce all leases, under-leases, agreements in writing, and other deeds or documents under which such tenants or persons occupy or claim, if such leases, under-leases, agreements, or other deeds or documents, or counterparts thereof, be in their possession or power, and where they occupy or claim under leases, under-leases, agreements in writing, or other deeds or documents not in their possession or power, or under parol agreements or contracts, they shall deliver, at such times and places as aforesaid, particulars of the terms and conditions upon and subject to which they occupy or claim; and the sale shall be made subject to the tenancies, leases, under-leases, or interests, ascertained as aforesaid, and subject to which the owner or incumbrancer applying for a sale shall be owner or incumbrancer, and such other of the tenancies, leases, under-leases, and interests, ascertained as aforesaid, as shall appear to the commissioners to have been granted bona fide by the owner or person in possession or in receipt of the rents and profits, and subject to which it shall appear to the commissioners that the sale should be made, save such (if any) of such respective tenancies, leases, and under-leases, as shall be included in such sale, and, where the commissioners

think fit, subject to any leases, under-leases, tenancies, or other interests according to any general description, or subject to any condition concerning any leases, under-leases, tenancies, or interest the nature of which shall not have been ascertained or shall be disputed; and, when the commissioners shall think fit, such sale may be made subject to any annual charge affecting the land to be sold, or any part thereof, or to any such apportioned part of any such annual charge as the commissioners may think fit to remain charged thereon; and where such land, or any part thereof, is subject to any incumbrance under the terms of which the incumbrancer cannot be required to accept payment of the principal money before the expiration of a term of years unexpired, such sale may, if the commissioners think fit, be made subject to such incumbrance.

10. *Effect of Conveyance.* Every conveyance executed by the commissioners in pursuance of these Acts shall be effectual to pass the fee simple and inheritance and absolute interest of and in the land thereby expressed to be conveyed, or such lesser estate or interest as may, in such conveyance, be specified, subject to such rights and uncommuted payments, if any, as are referred to in the 36th section of the Principal Act, and to such tenancies, leases, under-leases, incumbrances, and interests, as shall be expressed or referred to in the said conveyance as aforesaid, but, save as aforesaid, discharged from all former and other estates, rights, titles, charges, and incumbrances whatsoever of her Majesty, her heirs and successors, and of all other persons whomsoever; and no conveyance made by the commissioners shall be set aside on the ground of their not having jurisdiction over the subject matter thereof.

11. *Provision for setting aside Money to meet Incumbrances.* It shall be lawful for the commissioners, where they think fit, to pay to any person entitled to any annual or other charge or interest, not being an incumbrance according to the definition of this Act, who may consent to accept the same, a gross sum in discharge or by way of redemption thereof, or of a part thereof; and the commissioners may, in all cases where they think fit, invest or provide for the investment of money, to meet, as far as possible, any annual or periodical charge, or any other charge, incumbrance, or interest, where, by reason of such charge, incumbrance, or interest being contingent or otherwise, it shall appear to the commissioners proper or expedient so to do, and may otherwise make and give such orders and directions for applying the moneys arising from any sale in such manner as will secure the convenient application thereof for the benefit and according to the rights of all interested parties; but nothing in these Acts or either of them contained shall be construed to restrain the commissioners, if they shall think fit, from selling any land within their jurisdiction, absolutely freed and discharged from all estates, rights, titles, interests, incumbrances, claims, and demands whatsoever, whether at law or in equity, and whether annual or periodical, future, vested, contingent, or otherwise, save and except such rights and interests as are set forth in the 36th section to the said Principal Act.

12. *Provision for Person under Disability.* Where any person who (if not under disability) might have made any application given any consent, done any act, or been party to any proceeding under these Acts, shall be an infant, idiot, lunatic, or married woman, the guardian, committee of the estate, and husband respectively of such person, may make such application, give such consents, do such acts, and be party to such proceedings as such persons respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of these Acts; but a married woman entitled for her separate use (with or without power of anticipation) shall, for the purpose of these Acts, be deemed a feme sole: Provided always, that where there shall be no guardian or committee of the estate of any such person as aforesaid being infant, idiot, or lunatic, or where any person, the committee of whose estate, if he were idiot or lunatic, would be authorised to act for and represent such person, shall be of unsound mind, or incapable of managing his affairs, but shall not have been found idiot or lunatic under an inquisition, it shall be lawful for the commissioners to appoint a guardian of such person for the purpose of any proceedings under these Acts, and from time to time to change such guardian; and, where the commissioners see fit, they may appoint a person to act as the next friend of a married woman for the purpose of any proceedings under these Acts, and from time to time to remove or change such next friend.

13. Every conveyance, or order for partition, exchange, or division, executed or made by the commissioners in pursuance of these Acts, shall be exempt from stamp duty, notwithstanding the same may have been executed or made in England.

14. *Provision as to these Acts coming into Operation.*] Where her Majesty, by Order in Council, has directed, or shall direct, the Principal Act to come into operation in any of the colonies mentioned in the schedule to the Principal Act, or where any of such colonies has presented, or shall present, an address to her Majesty, praying her Majesty to issue such order, then and in every such case such order and such address respectively shall apply and be construed to apply as well to this Act as to the Principal Act.

CAP. XCVII.

An Act for vesting in the Privy Council certain Powers for the Protection of the Public Health. [2nd August, 1858.

WHEREAS, under an Act of the last session of Parliament, c. 38, the General Board of Health stands continued only until the 1st September, 1858: And whereas it is expedient to vest in the Privy Council certain powers now vested in the said General Board of Health, and certain other powers for the protection of the public health: Be it therefore enacted &c. as follows:—

1. *Powers of General Board of Health under 18 & 19 Vict. c. 116, added to those of the Privy Council.*] In addition to the powers vested in her Majesty's most Honourable Privy Council for the protection of the public health, all powers now vested in the General Board of Health under the "Diseases Prevention Act, 1855," shall, upon the discontinuance of the said board, be vested in the said Privy Council, and the provisions of the said Act having reference to the General Board of Health and the regulations and directions issued by them, except s. 13, shall be construed as referring to such Privy Council, and the regulations and directions issued by them.

2. *Certain Powers in relation to Public Vaccination vested in Privy Council.*] The Privy Council may, from time to time, issue such regulations as they think fit for securing the due qualification of persons to be hereafter contracted with by guardians and overseers of unions and parishes in England, for the vaccination of persons resident in such unions and parishes, and for securing the efficient performance of vaccination by the persons already or hereafter to be contracted with as aforesaid; and any money from time to time provided by Parliament for or towards defraying the expenses of the National Vaccine Establishment, or otherwise providing for the supply of vaccine lymph, shall be applied under the directions of the Privy Council.

3. *Privy Council may direct Inquiries.*] The Privy Council may, from time to time, cause to be made such inquiries as they see fit in relation to any matters concerning the public health in any place or places, and to the observance of the regulations and directions issued by them under this Act.

4. *Privy Council to appoint Medical Officer, &c.*] The powers of appointing and removing a medical officer, vested in the General Board of Health under the General Board of Health Continuance Act, 1855, shall, upon the discontinuance of that board, be vested in the Privy Council; and the person who at the time of the ceasing of the General Board of Health may be their medical officer shall become the medical officer of the Privy Council, subject to such power of removal as aforesaid; and the Privy Council may also, from time to time, employ such other persons as they deem necessary for the purposes of this Act; and there shall be paid to the medical officer such salary not exceeding £1500 per annum, and to such other persons such remuneration and allowances, as the Commissioners of her Majesty's Treasury may direct; and such salary, remuneration, and allowances shall be paid out of such moneys as shall be provided by Parliament.

5. *Medical Officer to report annually as to the Execution of this Act.*] The medical officer shall from time to time report to the Privy Council in relation to any matters concerning the public health, or such matters as may be referred to him for that purpose, and shall, in or before the month of March in each year, report to the Privy Council the proceedings had and taken under this Act during the preceding year ending on the 31st December.

6. *Reports to be laid before Parliament.*] The annual report made by the medical officer as aforesaid shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be sitting, and if not, then within fourteen days after the next meeting of Parliament, together with all other reports made by him under this Act, during the period to which such annual report relates.

7. *As to the Making and Authentication of Orders, &c.*] All powers vested in the Privy Council by this Act may be exercised by any three or more of the Lords and others of the Privy Council, the Vice-President of the Committee of the said

Privy Council on Education being one of them; and all orders, regulations, directions, and acts of the Privy Council under this Act shall be sufficiently made and signified by a written or printed document, signed by one of the clerks of the Privy Council, or such officer as may be appointed by the Privy Council in this behalf; and all orders, regulations, directions, and acts made or signified by any written or printed document purporting to be so signed shall be deemed to have been duly made, issued, and done by the Privy Council, and every such document shall be received in evidence in all courts and before all justices and others without proof of the authority or signature of such clerk or other officer, or other proof whatsoever, until it be shown that such document was not duly signed by the authority of the Privy Council.

8. *Proceedings for Penalties under Vaccination Acts.*] Proceedings for penalties under the Acts for the time being in force on the subject of vaccination may be taken on the complaint of any registrar employed for the registration of births, deaths, and marriages, public vaccinator, or officer authorised by the board of guardians or by the overseers respectively, and the cost of such proceedings shall be defrayed out of the common fund of the union, or out of the poor-rates of any parish not included in a union.

9. *Short Title and Continuance of Act.*] This Act may cited as The Public Health Act, 1858, and shall be in force only until the 1st August, 1859.

CAP. XCVIII.

An Act to amend the Public Health Act, 1848, and to make further Provision for the local Government of Towns and populous Districts. [2nd August, 1858.

WHEREAS it is expedient to amend the Public Health Act, 1848, and to make further provisions for the local government of towns and populous districts in England: Be it therefore enacted &c. as follows; that is to say:

1. *Short Title.*] This Act may be cited for all purposes as "The Local Government Act, 1858."

2. *Interpretation of Terms.*—5 & 6 Will. 4, c. 76.] The word "borough" or "corporate borough," when used in this Act, or in any Act conferring powers of a public nature on the corporate bodies of boroughs by their council, shall include all cities, ports, cinque ports, or corporate towns mentioned in the schedules to the Act 5 & 6 Will. 4, [c. 76,] intitled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," and all boroughs incorporated by charter granted or to be granted in pursuance of that or any subsequent Act.

3. *Limits of Act.*—18 & 19 Vict. c. 20.] This Act shall not extend to Scotland or Ireland, and it shall not be adopted by any place within the limits of the metropolis as defined for the purposes of the Act of the 18 & 19 Vict. [c. 20,] intitled "An Act for the better Local Management of the Metropolis."

4. *Provisions of this Act and 11 & 12 Vict. c. 63, to be construed together.*] This Act shall be construed together with and be deemed to form part of the Public Health Act, 1848: words used in this Act shall be interpreted in the sense assigned to them in the said Public Health Act: bye-laws framed under this Act shall be subject to confirmation, enforced, and dealt with in all other respects as bye-laws under the said Public Health Act; and the provisions of each of the said Acts shall, so far as may be consistent with the provisions of this Act, respectively be applicable to all matters and things arising under the other Act.

5. *Period at which this Act to take effect.*—Not to affect Qualification or Powers of Local Boards.] This Act shall take effect from the 1st September, 1858, in places where the Public Health Act, 1848, is already in force, wholly or partially: Provided always, that nothing in this Act shall affect the qualification and number of the members of local boards of health in such places, or any power, right, privilege, or liability of any board of improvement commissioners exercising powers of the Public Health Act, 1848, or of any town council or local board of health, under or by virtue of any general or local Act of Parliament other than the said Public Health Act.

6. *Powers, &c., of Local Boards under this Act to be the same under 11 & 12 Vict. c. 63, &c.*] Local boards under this Act shall, subject to this Act, have all the powers, rights, duties, and liabilities of local boards of health constituted under the Public Health Act, 1848, and the Acts incorporated therewith.

7. *Construction of Terms, for Purposes of this Act, &c., to*

Acts hereinafter incorporated.] In the construction, for the purposes of this Act, of the Acts hereinafter incorporated, the expression "the Special Act" shall mean the Public Health Act, 1848, as brought into operation within the district, and this Act; the "limits of the Special Act" shall mean the "limits of the district;" "the passing of the Special Act" shall mean the date of the coming in force of this Act, or, in the case of districts under the Public Health Act, 1848, the 1st September, 1858; and the local board shall, according to the tenor of the incorporated Act, be deemed to be the promoters of the undertaking, "town commissioners," commissioners, or "undertakers;" and all penalties incurred under the incorporated Acts shall be recovered in the same way as penalties incurred under the Public Health Act, 1848, and be applied in aid of the purposes of that Act and this Act.

8. Provision in relation to Exercise of Powers under Public Health Act requiring Sanction of General Board of Health.] Whenever the sanction, consent, direction, or approval of the General Board of Health is required by law to the exercise of the powers of local boards of health or boards of improvement commissioners, such powers may, from the 1st September, 1858, be exercised without such sanction, consent, direction, or approval, or any sanction, consent, direction, or approval in lieu thereof, except in so far as is provided by this Act: Provided always, that all sanctions for the mortgage of rates given by the General Board of Health before the passing of this Act shall continue in full force and effect until all moneys the borrowing of which is thereby sanctioned have been borrowed.

9. Proceedings, Contracts, &c., begun or made under any Section of 11 & 12 Vict. c. 63, repealed by this Act, may be proceeded with.] All proceedings, contracts, matters, and things respectively begun or made under any section of the Public Health Act, 1848, repealed by this Act, may respectively be proceeded with and enforced as if no such repeal had taken place, and all powers exercised or bye-laws made under any such section shall continue in force until the new powers and bye-laws authorised by this Act are brought into operation, and no such repeal shall affect any decree or order of the High Court of Chancery, or of any other court of justice, that has been obtained previously to the passing of this Act.

10. Powers of Sect. 114, of 11 & 12 Vict. c. 63, for Appointment of Receiver, may be exercised in Event of Failure to elect a Local Board.] The powers of the 114th section of the Public Health Act, 1848, for the appointment of a receiver, may be exercised in the event of a failure to elect a local board, or of the lapse of a local board from death, resignation, disqualification, or otherwise, of the persons elected to serve on such local board; and in case of such failure or lapse any receiver appointed under that section may make as well as collect and receive rates as directed in that section, or such rates as are required to satisfy all liabilities of the local board, and may receive and recover all arrears due to the said local board, and apply the same to meet such liabilities; and any such receiver shall have the same powers with respect to other creditors of the local board as he has by the said section with regard to mortgagees.

11. Course of Proceeding in Event of Failure to elect a Local Board.] In the case of any failure to elect a local board, or of any lapse of a local board as aforesaid, it shall be lawful for the owners and ratepayers of the district, by resolution, as hereinafter provided, for the adoption of this Act, to proceed to election of a new local board in the manner provided by this Act, with the same qualification of members from property or rating as the lapsed local board, and the result of such election shall be signified to one of her Majesty's principal Secretaries of State by the person conducting it, in the same manner as is hereinafter directed with regard to the adoption of this Act; and all the rights and liabilities of the former local board shall attach to the new local board as if there had been no lapse before the election thereof, and from the date of such election all powers of any receiver to make rates under the preceding section shall determine.

AS TO ADOPTION OF ACT AND CONSTITUTION OF LOCAL BOARD.

12. Act to be adopted by Resolution of Council, Improvement Commissioners, or Owners and Ratepayers.] This Act may be adopted,

(1.) In corporate boroughs to which the Public Health Act, 1848, has not been applied, by a resolution of the council assembled at a meeting held for the purpose: Provided always, that this Act shall not be adopted in

corporate boroughs until after the election of councillors on the 1st November, 1858.

(2.) In other places under the jurisdiction of a board of improvement commissioners, where all or part of the commissioners are elected by ratepayers, or by owners and ratepayers, by a resolution of such improvement commissioners assembled at a meeting held for the purpose.

(3.) In all other places having a known or defined boundary, by a resolution of the owners and ratepayers: But no such resolution passed by any council or board of improvement commissioners shall be valid unless a month's previous notice of the meeting, and of the purpose thereof, has been given in manner in which notices of meetings of such council or board of commissioners are usually given, nor unless two-thirds of the members present at the meeting concur in the resolution for such adoption; and it shall be lawful for the chairman of any such meeting, with the consent of a majority of the members present, to adjourn the same from day to day.

13. As to summoning Meetings for Purpose of preceding Section.] (1.) Meetings for the purpose of the preceding section shall be summoned on the requisition in writing of any twenty ratepayers or owners;

In corporate boroughs, by the mayor;

In other places under the jurisdiction of such improvement commissioners as aforesaid, by the chairman of the said commissioners;

In places having known and defined boundaries, not being corporate boroughs, or towns under the jurisdiction of such improvement commissioners as are hereinbefore mentioned, by the churchwardens or one of them; or if there are no churchwardens, the overseers or one of them; or if there is none of the officers respectively above enumerated, or if such officer in any case neglects, is unable, or refuses to perform the duties hereby imposed on him, by any person appointed by one of her Majesty's principal Secretaries of State;

Notice of Meeting.] (2.) In such places as last aforesaid the summoning officer shall, upon such requisition, fix a time and place for holding such meeting, and shall forthwith give notice thereof

By advertisement in some one or more of the newspapers circulated in the place;

By causing such notice to be affixed to the principal doors of every church and chapel in the place to which notices are usually affixed;

Meeting to choose Chairman.] (3.) The meeting, on its assembling together, shall choose one of its number as chairman, who may, with the consent of a majority of the persons present, adjourn the same from day to day:

Rules as to passing of Resolutions of Owners and Ratepayers.]

(4.) The chairman shall propose to the meeting the resolution for the adoption of the Act, and the meeting shall decide for or against such adoption: Provided that if any owner or ratepayer shall demand that such question be decided by a poll of the owners and ratepayers, such poll shall be taken by voting papers in the Form A. given in the schedule to this Act, in the same way, and with the same conditions as to notice of voting, delivery, filling up, collection, examination, declaration of the result, custody of voting papers, penalty for neglect or refusal to comply with the provisions of the Act, scale of votes, and in all other respects whatsoever as is provided in the Public Health Act, 1848, in respect of the election of local boards of health; and if no poll is demanded, or if the demand for a poll is withdrawn by the parties making the same, a declaration by the chairman shall, in the absence of proof to the contrary, be sufficient evidence of the decision of such meeting:

Penalty for forging, &c., of Voting Papers.] (5.) If any person fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any voting paper, or personates any person entitled to vote in pursuance of the Public Health Act, 1848, or this Act, or falsely assumes to act in the name or on the behalf of any person so entitled to vote, or interrupts the distribution of any voting papers, or distributes the same under a false pretence of being lawfully authorised so to do, he shall, for every such offence, be liable, on conviction before two justices, to be imprisoned in the common gaol or house of correction for any period not exceeding three months, with or without hard labour.

14. Provision as to less Place included within the Limits of a greater.] In cases where any place hereby authorised to adopt this Act includes within its limits any less place which, if it

were not so included, would of itself be authorised to adopt this Act, such less place shall not be entitled to adopt this Act unless the greater place within the limits of which it is included has refused to adopt the same, or unless it has been determined by one of her Majesty's principal Secretaries of State, in manner hereinafter mentioned, that such less place ought, as respects the adoption of this Act, to be excluded from the limits of such greater place.

15. Power for partial Adoption of Act.] Any corporation or body of commissioners exercising powers for sanitary regulations under the provisions of any local Act may adopt any part or parts of this Act by resolution of the Council or Commissioners, and such resolution shall in every case be passed and forwarded to one of her Majesty's principal Secretaries of State, as provided in this Act for the adoption thereof, and thereupon the part or parts of this Act named in such resolution shall be in force within the district comprised in such local Act as fully and effectually as if such part or parts of this Act had been enacted in such local Act: Provided always, that when the parts of this Act thus adopted confer any power of borrowing money, such power shall be exercised subject to the provisions of this Act with respect to borrowing.

Adoption of Act by Place not having a known or defined Boundary.

16 Provision as to settling Boundaries on Petition.] (1.) Any place not having a known or defined boundary may petition one of her Majesty's principal Secretaries of State to settle its boundary for the purposes of this Act:

Rules as to Petitions for Settlement of Boundaries.] (2.) The petition shall state the proposed boundaries of the place, shall be signed by one-tenth of the ratepayers resident within such boundaries, and shall be supported by such evidence as the said Secretary of State may require:

(3.) Upon the receipt of such petition the Secretary of State may direct inquiry to be made as to the genuineness of the petition, and as to the propriety of the proposed boundaries; and

(4.) Fourteen days notice of the time, place, and subject of such inquiry shall be given in the place to which it refers:

(5.) The said Secretary of State may, upon consideration of the matter, either dismiss the petition altogether, or make order as to the boundaries of the place: he may also make order as to the costs of the proceedings under this section, and the parties by whom such costs are to be borne:

Any Place may adopt this Act when Boundary settled.] (6.) Any place the boundaries of which have been settled in pursuance of the foregoing provisions shall thenceforth, for the purposes of this Act, be deemed to be a place with a known and defined boundary, and may adopt this Act accordingly; and for the purpose of enabling it so to do, a summoning officer shall be appointed by the order settling the boundaries, whose duty it shall be forthwith to take all such steps as may be necessary for convening a meeting of the ratepayers, to decide as to the adoption of this Act; and if such officer dies, becomes incapable, neglects or refuses to perform his duties, the said Secretary of State may, on the application of any four ratepayers, appoint another officer in his room.

Appeal against Adoption of Act.

17. Power to appeal, by Petition, against Resolution to adopt this Act.] (1.) In cases where a resolution adopting this Act has been passed in any place, if any number, being not less than one-twentieth of the owners and ratepayers of such place, such twentieth to be one-twentieth in number of the owners and ratepayers of the place, taken together, or the owners and ratepayers in respect of one-twentieth of the rateable property in the place, are desirous that the whole or any part of such place should be excluded from the operation of this Act, they may present a petition to one of her Majesty's principal Secretaries of State, appealing against such resolution, and praying that such exclusion may be made.

Such Petition to be presented to Secretary of State.] (2.) Such petition shall be presented within twenty-one days from the date of the passing of the resolution appealed against, and shall, where the exclusion of part of a place only is prayed for, state,

(1.) The part of the place proposed to be excluded, accompanied with an explanatory plan; and

(2.) The reasons for such exclusion:

It shall be subscribed by the owners and ratepayers presenting the same:

Power to Secretary of State to direct Inquiry to be made.] (3.) Upon the receipt of any such petition as aforesaid, the said Secretary of State may direct inquiry in the proposed district,

As to the genuineness of the petition; and

As to the matters alleged in such petition:

Notice of Inquiry.] (4.) Fourteen days notice of the time, place, and subject of such inquiry shall be given:

Order to be made by Secretary of State.] (5.) The said Secretary of State shall make order with respect to the matter in question on such appeal, and such order shall be binding on the place in respect of which it is made, and there shall be stated in such order the time at which this Act is to come into force.

18. Appeal to Secretary of State in case of alleged Invalidity of Vote for Adoption of this Act.] It shall be lawful for any owner or ratepayer who disputes the validity of the vote for the adoption of this Act to appeal within fourteen days from the declaration of the vote to one of her Majesty's principal Secretaries of State, setting forth the grounds on which he disputes the validity of such vote; and it shall be lawful for any of her Majesty's principal Secretaries of State, on such appeal, to direct inquiry by any officer employed by him in the execution of this Act into the circumstances of the case, and to issue such order thereon as he may deem requisite to determine the questions arising on such appeal, and as to the validity or invalidity of such vote.

General Provisions in relation to Adoption.

19. Notice as to Adoption of Act to be given to Secretary of State.] Whenever a resolution adopting this Act has been passed in any place, notice thereof shall be given to one of her Majesty's principal Secretaries of State by the following persons; that is to say,

In corporate boroughs by the mayor:

In other places under the jurisdiction of such improvement commissioners as aforesaid, by the chairman of the board of commissioners:

In other places by the summoning officer.

The notice so sent shall be in writing under the hand of the officer hereby required to give the same; and it shall be the duty of such last-mentioned officer to publish a copy of such notice in manner following; that is to say,

By advertisement for three successive weeks in some one or more of the newspapers circulated in the place:

By causing a copy of such notice to be affixed to the principal doors of every church and chapel in such place to which notices are usually affixed:

And when such notice has been so given, and the time for such appeal has expired, or such appeal has been dismissed, a notice shall be published in the London Gazette, by one of her Majesty's principal Secretaries of State, that this Act has been adopted within such place.

20. Provision as to the Time when this Act shall take effect.]

Whenever any resolution adopting this Act has been passed in any place, this Act shall, at the expiration of two months from the date of the passing of such resolution, or in the event of an appeal, or of a division of the district into wards as hereinafter provided, then at such time as may be mentioned in the order made on such appeal, or in the order setting out wards, have the force of law within such place; and the expiration of such period of two months, or such date as may be mentioned in the said order as the time for this Act to come into force, shall be called the date of the constitution of the district; provided that the provisions of this Act relating to purposes already included in any local Act in force within the district with relation to any of the purposes of the Public Health Act, 1848, or this Act, and not conferring powers or privileges upon corporations, companies, undertakers, or individuals, for their own pecuniary benefit, notwithstanding the adoption of the Act, as hereinbefore provided, shall not come into operation until an order has been made and confirmed, as hereinafter prescribed, for the future execution, repeal, or alteration of the said local Act.

21. As to Objections made to Adoption of this Act.] No objection shall be made at any trial or in any legal proceeding to the validity of the adoption of this Act, or to any order made in pursuance of this Act, or to any proceedings upon which such order was founded, unless the objector has given fourteen days previous notice to the other parties interested in such trial or proceeding of his intention to make the same, specifying fully the nature of the objection to be made; and no objection whatever in respect of the matters mentioned in this section shall be admissible at any trial or in any legal proceeding after the expiration of six calendar months from the date of the constitution of the district.

22. Proof of Adoption.] Publication of a notice by a Secretary of State once in the London Gazette, and by the mayor, chairman of the Board of Improvement Commissioners, or

summoning officer, respectively, for three successive weeks, in any newspaper published and circulated in the town or district, that this Act has been adopted in any place, shall be conclusive evidence of such adoption.

23. Provision as to Payment of Costs, &c., incurred in relation to Adoption.] In cases where this Act has been adopted by any place, all costs, charges, and expenses incurred by any of her Majesty's principal Secretaries of State in relation to any such adoption or to any proceedings connected therewith, or which such Secretary is required to take under this Act, and not hereby otherwise provided for, shall, to such amount as the Treasury, by order, think proper to direct, become a charge upon the general district rates levied in such district under the authority of this Act, and be repaid to the Treasury by annual instalments not exceeding five, together with interest after the yearly rate of £5 in the £100, to be computed from the date of any such last-mentioned order, upon so much of the principal sum due in respect of the said costs, charges, and expenses, as may from time to time remain unpaid.

Constitution of Local Boards.

24. Local Boards, how constituted.] The duty of carrying into execution this Act shall be vested in a local board; and such local board shall be,

- (1.) In corporate boroughs, the mayor, aldermen, and burgesses acting by the council;
- (2.) In other places under the jurisdiction of such a board of improvement commissioners as hereinbefore mentioned, the Board of Commissioners;
- (3.) In other places, such number of elective members as may be determined by a resolution of the owners and ratepayers, passed in manner in which resolutions for the adoption of this Act are hereinbefore directed to be passed, at any meeting held for the purpose of adopting this Act, or at any meeting to be summoned by the summoning officer for the purpose of this section; but no person shall be qualified to be a member of such local board unless he is at the time of his election, and so long as he shall continue in office by virtue of such election, resident within the district for which, or for part of which, he is elected, or within seven miles thereof, and is seised or possessed of real or personal estate, or both, to the value of not less than £500 in districts containing less than 20,000 inhabitants, or to the value of not less than £1000 in districts containing 20,000 or more inhabitants, or rated to the relief of the poor of such district or of some parish within the same upon an annual value of not less than £15 in districts containing less than 20,000 inhabitants, or on an annual value of not less than £30 in districts containing 20,000 or more inhabitants; provided that if two or more persons be jointly seised or possessed of real or personal estate, or both, of such value or amount as would, if equally divided between them, qualify each to be elected, or if two or more persons be jointly rated in respect of any property which, if equally divided between them, would qualify each to be so elected, each of the persons so jointly seised, possessed, or rated may be elected, but the property shall not at the same time qualify the owner and the occupier thereof;

District may be divided into Wards, with Sanction of Secretary of State.] (4.) Local boards of health in districts where the Public Health Act, 1848, is applied, may, with the sanction of one of her Majesty's principal Secretaries of State, divide their district into separate wards, and declare what proportion of the members of the local board is to be elected by each ward: In districts where this Act is adopted, the owners and ratepayers may by resolution direct a petition to one of her Majesty's principal Secretaries of State to divide the district into wards, for the purpose of election of the local board, and to declare what proportion of the members of the local board shall be elected by each ward, and the said Secretary of State may, by his order, make such division and declaration after such inquiry as he shall deem necessary, and fourteen days notice shall be given of the time, place, and object of such inquiry; and if any member be elected in more than one ward, he shall, within three days notice thereof, choose, or, in default of his choosing, the local board at their next meeting shall decide, for which one of the wards the member shall serve, and he shall thereupon be held to be elected in that ward only, and a vacancy shall be held to exist on account of the other ward or wards; no

person entitled to vote shall give in the whole of the wards a greater number of votes than he would have been entitled to give if the district had not been divided into wards, nor in any one ward, a greater number of votes than he is entitled to in respect of property in that ward; but subject to these limitations, any ratepayer or owner may, by notice in writing delivered to the clerk of the local board, or in case of the first election to the person appointed to conduct that election, elect in what ward or wards he will vote for the ensuing year, and determine the proportion of votes which he will give in any one or more of such wards, and if he do not give such notice he shall not be entitled to vote for any ward in which he does not reside:

As to Election of Local Boards.] (5.) The election of local boards shall be conducted in the manner directed by the Public Health Act, 1848, for the election of local boards of health; and the summoning officer shall conduct the first election; and the members of the local board shall take such declaration, continue in office for the same time, and be liable to such disqualifications and penalties as the members of local boards of health under the said Public Health Act as altered by this Act:

- (6.) If any person nominated, or any person on his behalf, give at least one clear day's notice in writing to the returning officer, before the delivery or collection of the voting papers, of an intention to send some agent to accompany the deliverer or collector of the papers, the returning officer shall make his arrangements so as to enable the person appointed by him to be so accompanied; provided that no such agent shall interfere in any respect in the delivery or collection of the voting papers:

As to casual Vacancies.] (7.) Any casual vacancy occurring by death, resignation, disqualification, or otherwise in the local board, may be filled up within one month by the local board out of qualified persons, but the member so chosen shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred:

As to first Meeting of Local Board.] (8.) In the case of districts not consisting of boroughs or towns under the jurisdiction of such improvement commissioners as aforesaid, the first meeting shall be held on such day, not more than ten days after the election of the local board, and at such place as the returning officer may, by notice sent by post or delivered to each member of such board, appoint.

25. Disqualification of Members of Local Boards.] Notwithstanding anything contained in the Public Health Act, 1848,

- (1.) No member of a local board shall vacate his office by reason of his being interested in any sale or lease of any lands, or any loan of money to the local board;
- (2.) Nor by absenting himself from meetings of the board, if he be not absent from the district for more than six months at one and the same time, unless in case of illness, nor by reason of his being interested in any contract with the local board as a shareholder in any company established under the provisions of the Joint Stock Companies Acts, or any of them, with or without a limited liability, provided no member of a local board, being a shareholder, shall vote on any question in which the company is interested;
- (3.) It shall be lawful for one of her Majesty's principal Secretaries of State to dispense in any case with the prohibition contained in the 19th section of the Public Health Act, 1848, by which no member of a local board, being a shareholder in any company or concern established for the supply of water, or for the carrying on of any other works of a like public nature, is entitled to vote upon any question in which such company or concern is interested.

26. Powers of Local Board to vest in Town Council when a District becomes a Corporate Borough.] So much of the 33rd section of the Public Health Act, 1848, as requires that a day shall be specified in any charter of incorporation by which the district of a local board becomes a corporate borough, from and after which the powers, authorities, duties, property, and liabilities of the local board shall be vested in the mayor, aldermen, and burgesses of the borough by their council, shall be repealed; and all transfers of powers, authorities, duties, property, and liabilities which have been or shall hereafter be made by any local board of health to the mayor,

aldermen, and burgesses of any corporate borough by their council, the district of such board and such corporate borough being identical, shall be valid and effectual to all intents and purposes, though no day for such transfer shall have been named in the charter incorporating such borough.

27. Power to adjoining Districts to unite, with Sanction of Secretary of State.] Adjoining districts may unite together upon such terms and subject to such conditions as the respective local boards of such districts may, with the sanction of one of her Majesty's principal Secretaries of State, determine.

28. Power to Local Board to execute Works in adjoining Places.] Every local board may, with the consent of the local board of any adjoining district, or with the consent of any adjoining place maintaining its own poor, do and execute in such adjoining district or place all or any of such works and things as the local board may do and execute within their own district, and upon such terms as to payment or otherwise as may be agreed upon between such local board and the local board of the adjoining district, or the local authority under the Nuisance Removal Act, 1855, in and for such adjoining place; and any sums agreed to be paid by the local board of the adjoining district, in pursuance of this section, shall be payable out of the rates leviable under the Public Health Act, 1848, and this Act; and any sums agreed to be paid by such local authority shall be payable out of the same rates as the expenses of executing the said Nuisance Removal Act; and the consent of any such place to any work or thing proposed to be done under this section shall be signified in the same manner in which the consent of a place to the adoption of this Act is heretofore required to be signified; and where the expenses of any such work or thing would, if the same had been executed in a district under the powers of this Act, have been recoverable from owners or occupiers, such expenses shall be recoverable by the local board or local authority of the district or place respectively from such owners or occupiers.

AS TO POWERS OF LOCAL BOARDS.

Powers of Local Board as to Sewerage.

29. Power to make Deduction from Rate in respect of Premises sufficiently drained.] If it appear to a local board that any premises were sufficiently drained before the construction of any new sewer they may lay down, it shall be lawful to deduct from the amount of rates otherwise chargeable in respect of such premises such a sum and for such time as the local board may, under all the circumstances of the case, deem to be just.

30. Powers for disposing of Sewage.] Local boards may,

- (1.) Exercise the powers given by the 46th section of the Public Health Act, 1848, also without their district, if necessary for the purpose of outfall and distribution of sewage, upon making due compensation, to be settled in the manner provided in the 144th section of the Public Health Act, 1848;
- (2.) Contract with any company or person for the sale of sewage, or for the distribution of it over any land;
- (3.) Contract for, purchase, or take on lease any lands, buildings, engines, materials, or apparatus for the purpose of receiving, storing, disinfecting, or distributing sewage;

Provided always, that these things shall be done so as not to create a nuisance.

31. Provision for obtaining Order for Cleansing foul and offensive Watercourses or open Ditches lying near to or forming the Boundaries of Districts.] In case any watercourse or open ditch lying near to or forming the boundary between the district of any local board and any adjoining parish or place shall be foul and offensive, so as injuriously to affect the district of such local board, any justice of the peace for the county, city, or borough in which such adjoining parish or place may be situate may, on the application of such local board, summon the local authority for the purposes of the Nuisance Removal Act, 1855, of such adjoining parish or place, to appear before the justices of the same county, city, or borough, to show cause why an order should not be made by the said justices for cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such justices to be necessary; and such justices, after hearing the parties, or ex parte in case of the default of any of them to appear, may make such order with reference to the execution of the works, and the persons by whom the same shall be executed, and by whom and in what proportions the costs of such works shall be paid, and also as to the amount thereof, and the time and mode of payment, as to such justices shall seem reasonable; and any sums ordered to be paid by any justices in pursuance

of this section shall be a charge upon and be payable out of the poor-rates of such adjoining parish or place, as if the same were legally incurred in the relief of the poor of such parish or place, and in default of payment may be levied upon the goods and chattels of such overseers by distress and sale thereof.

Powers as to Scavenging and Cleansing.

32. Power to Local Boards to cleanse or contract for cleansing.] The 55th and 56th sections of the Public Health Act, 1848, shall be repealed, excepting so much of the 56th section as relates to the providing conveniences for the temporary deposit of dust, ashes, and rubbish, and also fit buildings and places for the deposit of sewerage and other matters collected by the local board; and in lieu thereof be it enacted,

(1.) That local boards may themselves undertake or contract with any person for—

The proper cleansing and watering of streets;

The removal of house refuse from premises;

The cleansing of privies, ashpits, and cesspools;

either for the whole or any part of their district; and all matters thus collected by the local board or contractor may be sold or otherwise disposed of, and any profits thus made by the local board shall be carried to the district fund account:

(2.) If any person, not being the occupier of a house within the district, removes, or obstructs the local board or contractor in removing, any matters hereby authorised to be removed by the local board, he shall for each offence incur a penalty not exceeding five pounds; and if any person, being the occupier of a house within the district, removes, or obstructs the local board or contractor in removing, any such matters (except in cases where such matters are produced on his own premises, and are removed for sale, or for his own use for manure, and are in the meantime kept so as not to be a nuisance), he shall, for each offence, incur a penalty not exceeding forty shillings:

(3.) In parts where the local board do not themselves undertake or contract with any person for—

The cleansing of footways and pavements adjoining any premises—

The removal of refuse from any premises—

The cleansing of privies, ashpits, and cesspools—

They may make bye-laws imposing the duty of such cleansing or removal on the occupier of any such premises:

Power to Local Board to make Bye-laws as to Nuisances.] (4.) The local board may make bye-laws for the prevention of nuisances arising from snow, filth, dust, ashes, and rubbish within their district, or of the keeping of animals so as to be injurious to the public health:

Provision for Recovery of Expenses of Removal of offensive Accumulations under 11 § 12 Vict. c. 63.] (5.) Whenever the local board have removed any noxious or offensive accumulation under the 59th section of the Public Health Act, 1848, the expenses of removal, so far as the same are not covered by the sale of the said accumulation, shall be recoverable in a summary manner from the occupier, or, where there is no occupier, from the owner of the premises on which such accumulation existed, or from the person causing such accumulation, or may, by order of the board, be declared to be private improvement expenses.

33. Amendment of Sect. 54 of 11 § 12 Vict. c. 63, for Purposes herein named.] Whenever the surveyor, in the course of any examination made by him in pursuance of the 54th section of the Public Health Act, 1848, finds any such drain, water-closet, privy, cesspool, or ashpit, as therein mentioned, to be in bad order and condition, or to require alteration, it shall not be necessary for him to cause the ground to be closed before the necessary works are set about for amending such drain, water-closet, privy, cesspool, or ashpit; provided that such necessary works are undertaken forthwith.

34. Sects. 53 and 72 of 11 § 12 Vict. c. 63, as to new Streets and Houses, repealed, and the Provisions herein named to be instead.] The 53rd and 72nd sects. of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted as follows:

Every local board may make bye-laws with respect to the following matters; (that is to say)

- (1.) With respect to the level, width, and construction of new streets, and the provisions for the sewerage thereof;
- (2.) With respect to the structure of walls of new buildings for securing stability and the prevention of fires;
- (3.) With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings;
- (4.) With respect to the drainage of buildings, to water-closets, privies, ashpits, and cesspools in connexion with

buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation:

And they may further provide for the observance of the same by enacting therein such provisions as they think necessary as to the giving of notices; as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings; as to inspection by the local board; and as to the power of the local board to remove, alter, or pull down any work begun or done in contravention of such bye-laws: Provided always, that no such bye-law shall affect any building erected before the date of the constitution of the district:

But for the purposes of this Act the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the framework shall be left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitations, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building.

Powers for Regulation of Buildings.

35. *When Houses taken down, Local Board may prescribe Line in which same shall be rebuilt.* When any house or building has been taken down in order to be rebuilt or altered, the local board may prescribe the line in which any house or building to be hereafter built shall be erected, and the same shall be erected in accordance therewith; and the local board shall pay or tender compensation to the owner or other person immediately interested in such house or building for any loss or damage he may sustain in consequence of his house or building being set back, the amount of such compensation, in case of dispute, to be settled in the same manner as compensation for land to be taken under the provisions of "The Lands Clauses Consolidation Act, 1845," is directed to be settled; and all the provisions of the said last-mentioned Act relating to the purchase of lands shall apply to the payment made for such loss or damage, as if it were a purchase under such Act.

36. *Local Board may purchase Premises for Purpose of making New Streets.* The local board may, with the sanction of one of her Majesty's principal Secretaries of State, purchase any premises for the purpose of making new streets, and shall have with regard to premises so purchased all the powers given by the 73rd section of the Public Health Act, 1848.

Highway Repairs.

37. *Cost of Highway Repair to be defrayed out of General District Rate in certain Cases.* And whereas doubts have arisen as to the rate out of which the repair of highways is to be provided for in districts under the Public Health Act, 1848: Be it enacted, that in such districts, or in districts where this Act is adopted, and where no other mode of providing for the repair of highways is directed by any local Act,

(1.) Where the whole of the district is rated to public works of paving, water supply, and sewerage, or to works for such of these purposes as are provided for in the district, the cost of repair of highways shall be defrayed out of the general district rate:

Power to levy Highway Rates in certain Cases. (2.) Where parts of a district are not rated for works of paving, water supply, and sewerage, or for such of these purposes as have been provided for by rate in the district, the cost of the repair of highways in the same parts shall be defrayed out of a highway rate to be separately assessed and levied in the same parts by the local board as surveyor of highways, and the cost of such repair in the residue of the district shall be defrayed out of the general district rate:

(3.) Where no public works of paving, water supply, and sewerage are established in the district, the repair of highways in the district shall be provided for by a highway rate, to be levied over the whole district by the local board as surveyors of highways:

(4.) Where part of any township or place, at the time of the application of this Act to any district, shall be liable to contribute and pay to the highway rates leviable or assessable within such district, although it shall not be included in the limits of such district, such part of the said township or place shall, for all purposes connected with the repairs of highways, and the payment of highway rates, but for no other purposes, be considered to be, and be treated as if forming, part of such district, and comprised within the limits thereof: Provided always, that no such district rate shall be leviable within such part:

Certain Acts not required to be done in case of Highway Rate being made by Local Board. (5.) Provided, that it shall not be necessary for any local board, in the case of any highway rate

made by them, to do the following acts, or any of them; that is to say,

To lay such rate before any justices, or obtain their allowance;

To annex thereto the signature of such local board;

To lay the same before the parishioners assembled in vestry;

To verify before any justices any accounts kept by them of such highway rates;

And all such accounts shall be audited in all respects in the same way as the other accounts of local boards, and all ministerial acts required by any Act of Parliament to be done by the surveyor of highways may be done by the surveyor of the local board, or by such other person as they may appoint:

Application of Surplus under Sect. 117 of 11 & 12 Vict. c. 63. (6.) The surplus of any moneys directed by the 117th section of the Public Health Act, 1848, to be paid by surveyors of highways to the treasurer of the local board, and to be carried to the district fund account, shall, for every district, or part of a district, where the roads are repaired out of highway rate, be carried by the same treasurer to a separate account to be kept by him, and called the Highway Rate Account. The 13 Vict. c. 35, "For requiring Annual Returns of the Expenditure on Highways in England and Wales to be transmitted to the Secretary of State, and afterwards laid before Parliament," shall apply to the clerk to every such local board as aforesaid in like manner as to the clerk to any such trustee or commissioner as in such Act mentioned.

Powers as to Streets and Roads.

38. *Power to Local Boards to provide for Sewering, &c. of Parts of Streets not being Highways.* The powers given to local boards of health by the 69th and 70th sections of the Public Health Act, 1848, to compel the sewerage, levelling, paving, flagging, and channelling of streets that are not highways repairable at the public expense, and after the completion of such works to declare such streets highways repairable at the public expense, shall extend to providing the means of lighting, metalling, or making good such streets, and may be exercised in respect of the carriage-way, footway, or any part of such streets; and the said powers shall also be deemed to have extended and shall extend and be exercised in respect of any street or road of which a part was at the time of the application of the Public Health Act, 1848, or is, or may be, a public footpath, or repairable at the public expense, as fully as if the whole of such street or road had been or was a highway not repairable at the public expense.

No Incumbent or Minister of any Church, Chapel, &c., liable to Expenses under Sect. 69 of 11 & 12 Vict. c. 63, or this Section.

No incumbent or minister of any church, chapel, or place appropriated to public religious worship, which is now by law exempt from rates for the relief of the poor, shall be liable to any expenses under the 69th section of the Public Health Act, 1848, or this section, as the owner or occupier of such church, chapel, or place, or of any church-yard or burial-ground attached thereto, nor shall any such expenses be deemed to be a charge on such church, chapel, or other place, or on such churchyard or burial-ground, or to subject the same to distress, execution, or other legal process; and the local board may, if they think fit, undertake any works from the expenses of which any such incumbent or minister is hereby exempted.

39. *Power to Local Boards to agree as to making of new public Roads.* It shall be lawful for any local board to agree with any persons for the making of roads for the public use through the lands and at the expense of such persons, and to agree that such roads shall become, and the same shall accordingly become, on completion, public highways maintainable and repairable at the public expense; and it shall be lawful for such board, with the consent of two-thirds of their number, to agree with such persons to pay, and accordingly to pay, any portion of the expenses of making such roads out of the funds at the disposal of such board for public improvements.

40. *Power to Local Boards, by Consent, to construct public Bridges, &c., or adopt as public, and improve, existing Bridges, &c., over or under Canals, Railways, or Tramroads.* It shall be lawful for any local board to agree with the proprietors of any canals, railways, or tramroads, and with any landowners or other persons willing to bear the first expense thereof, for the construction or alteration of, and accordingly to cause or permit to be constructed or altered, any bridges, viaducts, or arches over or under any such canals, railways, or tramroads, at the expense of such persons, and at the like expense, by agreement, to purchase so much of any slopes, embankments, or other

parts of such canals, railways, or tramroads, or of any adjoining lands, as may be required for the foundation and supports of such bridges, viaducts, or arches, and the approaches thereto, and to agree that such bridges, viaducts, and arches respectively, with their approaches and accessories, shall become, and the same shall accordingly become, on completion, parts of the public streets or roads maintainable and repairable at the public expense; and it shall be lawful for such board, with the consent of two-thirds of their number, to agree to pay, and accordingly to pay, any portion of the expenses of such construction, alteration, and purchase out of the funds at the disposal of such board for public improvements; and it shall be lawful for such board, with the consent of such proprietors and other persons interested, and on such terms as may be mutually agreed upon, to adopt any existing bridges, viaducts, or arches over or under any such canals, railways, or tramroads, and the approaches thereto, as public bridges, viaducts, or arches, and parts of public streets or roads maintainable and repairable at the public expense.

41. *Powers to Local Boards to enter into Agreements with Turnpike Trustees as to Repair, &c. of Roads.* It shall be lawful for any local board, by agreement with the trustees of any turnpike road, or with any corporation or person liable to repair any street or road, or any part thereof, or with surveyors of any bridge repaired by any county, riding, or division, to take upon themselves the maintenance, repair, cleansing, or watering of any such street or road, or any part thereof, or of any road over any county bridge, and the approaches thereto, or of any part of the said roads within their district, and to remove any turnpike-gates, toll-gates, or bars which may be situate within two miles from the centre of any town or place within their district, and to erect other turnpike-gates, toll-gates, or bars in lieu thereof, on such terms as the local board and the trustees or corporation or person or surveyor aforesaid may agree upon between themselves; provided that in case any mortgage debt is charged upon the tolls of any such turnpike road, no agreement shall be made for the removal of any of the toll-gates or bars thereon, unless with the previous consent in writing of a majority of at least two-thirds in value of the mortgagees; and that when the terms arranged shall include any annual or other payments from the local board to the trustees, then such payments may be secured on the local rates in the same manner as other charges on the rates are authorised by this Act; provided also, that all executors, administrators, guardians, trustees, and all committees of the estates of idiots and lunatics, who as such are for the time being entitled to any money charged or secured on the tolls of any such turnpike road, may consent to any such agreement as aforesaid, as fully as if they respectively were so entitled in their own right, discharged of all trusts in respect thereof, and all executors, administrators, guardians, trustees, and committees so consenting are hereby severally indemnified for so doing.

42. *Objections under Sect. 70 of 11 & 12 Vict. c. 63, to be made by the sole Proprietor, or, if more than one, by a Majority.* And whereas, by the 70th section of the Public Health Act, 1848, it is provided that no street shall become a highway, under the provisions of such section, if within one month after notice in writing shall have been first put up as therein mentioned the proprietor of such street, or the person representing or entitled to represent such proprietor, shall, by notice in writing to the local board, object thereto; and doubts have arisen as to the effect of such provision: Be it enacted, that no such objection shall be of force unless made either by the sole proprietor, or (if more than one) by the majority in number of such proprietors, and in ascertaining such majority joint proprietors shall be reckoned and considered one proprietor.

43. *Certain Roads herein named not to be interfered with except upon Conditions, &c. herein named.* Notwithstanding anything contained in the Public Health Act, 1848, or this Act, it shall not be lawful for any local board to open or in any way disturb any of the public roads, or footpaths under the charge of the commissioners of the metropolis, turnpike roads north of the Thames, or of the New Cross turnpike roads, or of the trustees acting in execution of the Surrey and Sussex roads Act, 1850, except upon the conditions and subject to the regulations hereinafter contained; that is to say,

- (1.) The local board shall leave at the office of the commissioners or trustees of such road seven days previous notice, containing full particulars of any works intended to be executed by them, and affecting any of such roads.
- (2.) If the general surveyor of the said commissioners or trustees directs the works to be on any particular part of

such roads the local board shall be bound to obey such directions:

- (3.) Except by the permission of the said commissioners or trustees, the traffic of any of the said roads shall not at one time be stopped or in any way hindered along more than half of its width, nor, if the half left open is of less than the clear width of fourteen feet, along more than one hundred yards in length; and no alteration shall be made in the inclination of any of the said roads of more than one foot in sixty feet:
- (4.) All works shall be done under the superintendence of the general surveyor; and all such precautions as he may direct for the protection and convenience of the public shall be taken by and at the expense of the party doing the works, and in default the said surveyor shall cause to be done in that behalf what he may think proper; and the party doing the works shall in all cases of damage occurring by reason of such works, and whether such precautions are or not taken, be answerable to the person suffering such damage, the said commissioners or trustees being hereby absolved from all liability in respect of the consequences of such works:
- (5.) The party doing the works shall, as regards every road opened or disturbed, restore the same to its original state as to surface and materials, and in order to meet the expenses consequent upon the subsidence of materials newly filled in, shall repay to the said commissioners or trustees, on demand, such sum as they have expended in restoration of the road, not exceeding one shilling for every superficial square yard, and so far as the works affect the same, shall make good all drainage, paving of water channels, curbs of footpaths, and other matters and things connected with the maintenance of the said roads; and on default the said surveyor may cause to be done in that behalf what he may think fit; and the said surveyor may recover the expense so incurred by him in a summary manner.

Incorporated Powers.

44. *Certain Provisions of 10 & 11 Vict. c. 89, incorporated with this Act.* The provisions of the "Towns Police Clauses Act, 1847,"

- (1.) With respect to obstructions and nuisances in the streets;
- (2.) With respect to fires;
- (3.) With respect to places of public resort;
- (4.) With respect to hackney carriages;
- (5.) With respect to bathing;

shall be incorporated with this Act.

45. *Certain Provisions of 10 & 11 Vict. c. 34, incorporated with this Act.* The provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following matters; that is to say,

- (1.) With respect to naming the streets and numbering the houses;
- (2.) With respect to improving the line of the streets and removing obstructions;
- (3.) With respect to ruinous or dangerous buildings;
- (4.) With respect to precautions during the construction and repair of the sewers, streets, and houses;
- (5.) With respect to the supply of water, except the proviso thereto;
- (6.) With respect to the prevention of smoke;
- (7.) With respect to slaughter-houses;
- (8.) With respect to clocks;

shall be incorporated with this Act, subject to this qualification, that the above-mentioned provisions with respect to the prevention of smoke shall not extend to compel the consumption of all smoke in the case of all or any of the processes following: that is to say, to the cooking of coal; the calcining of ironstone or limestone; the making or burning of bricks, earthenware, quarries, tiles, or pipes; the raising of any mines or minerals, the smelting of iron ores, the refining, puddling, shingling, and rolling of iron or other metals, or to the melting and casting of iron into castings, or to the manufacture of glass, in any district where the provisions of the said Act for the prevention of smoke are not now in force, in which the local board shall resolve that any one or more of such processes should be exempted from penalties for not consuming all smoke for any time specified in such resolution, not exceeding ten years, which may be annually renewed for a similar or any shorter period, if the board shall think fit; and any justice or justices before whom any person shall be summoned may remit the penalty in any case within such district in which he or they shall be of opinion that such person has adopted the best known means for

preventing any nuisance from smoke, and has carefully attended to the same, so as to consume, as far as possible, the smoke arising from any process so exempted during such time as any such resolution shall extend to, unless an order shall be issued by one of her Majesty's principal Secretaries of State directing that such exemption shall no longer be continued in such district to such processes, or any of them, after a time specified in such order.

46. *Watching and Lighting Act (3 & 4 Will. 4, c. 90) to be superseded by this Act.* In any district where the Public Health Act, 1848, is in force, or where this Act is adopted, and in which the Act 3 & 4 Will. 4, [c. 90], intitled "An Act to repeal an Act of the 11th year of his late Majesty King George the Fourth, for the lighting and watching of parishes in England and Wales, and to make other provisions in lieu thereof," has been adopted, the said last-mentioned Act shall be superseded by this Act, and all lamps, lamp-posts, gas-pipes, fire-engines, hose, and other property vested in the inspectors for the time being under the said Act, shall, in all existing districts under the Public Health Act, 1848, and elsewhere, upon the adoption of this Act, vest in the local board.

47. *Where Vestries adopt Provisions of 10 & 11 Vict. c. 74, Local Board to be the Commissioners under that Act.* In any district where a vestry adopts the Act 10 Vict. c. 74, and intitled "An Act to encourage the Establishment of Public Baths and Wash-houses," the local board may, at the option of the said vestry, be the commissioners for the execution of the said Act, and shall thereupon have all the powers, duties, rights, and obligations of commissioners under the said Act; and all expenses incurred by the local board in carrying into execution the powers given to them by the said Act shall be defrayed out of general district rates, and all receipts by them by reason of the exercise of such powers shall be carried to the district fund account.

48. *Sections of 11 & 12 Vict. c. 63, as to Slaughter-houses, repealed.* The 61st and so much of the 62nd sections of the Public Health Act, 1848, as empowers the local board to make bye-laws with respect to all slaughter-houses shall be repealed.

49. *Local Board to be Burial Board of District, though the Burial Ground be provided for Parts of the District only.* In any district where a vestry of any one or more parish or place comprised therein having a known or defined boundary adopts the Act 20 & 21 Vict. c. 81, and intitled "An Act to amend the Burial Acts," the local board may, at the option of such vestry, be the burial board for the execution of the said Act within such parish or parishes, place or places, so adopting the Act as aforesaid, and shall thereupon have all the powers, duties, rights, and obligations of a burial board under the said Act; and all expenses incurred by the local board in carrying into execution the powers given to them by the said Act shall be defrayed out of rates to be levied on such parish or parishes, place or places, so adopting the Act as aforesaid, in the same manner as general district rates are to be levied under the provisions of this Act; and all receipts by them, by reason of the exercise of such powers, shall be carried to the credit of such parish or parishes, place or places so adopting the Act as aforesaid: Provided nevertheless, that in case the parish or parishes, place or places comprised in such district so adopting the Act as aforesaid, shall have been declared a ward or wards for the election of members of the local board, and members shall have been elected by and for such ward or wards, the last-mentioned members shall form the burial board for such parish or parishes, place or places so formed into a ward or wards as aforesaid, instead of the members of the said local board, and shall have all the like powers, duties, rights, and obligations of the burial board under the said Act of 20 & 21 Vict. c. 81.

50. *Power of Local Board to establish Markets, with Consent of Owners and Ratepayers.* The local board shall in non-corporate districts, with the consent of the owners and ratepayers of the district, to be expressed by resolution in the manner herein provided with respect to resolutions for the adoption of this Act, and in corporate districts shall, with the consent of two-thirds of the local board, have the power to do the following things, or any of them, within their district:

- (1.) To provide a market-place, and construct a market-house and other conveniences, for the purpose of holding markets;
- To provide houses and places for weighing carts;
- To make convenient approaches to such market;
- To provide all such matters and things as may be necessary for the convenient use of such market;
- To purchase or take on lease land, and public or private

rights in markets, and tolls, for any of the foregoing purposes:

To take stallages, rents, and tolls in respect of the use by any person of such market-house:

But no market or slaughter-house shall be established in pursuance of this section so as to interfere with any rights, powers, or privileges enjoyed within the district by any person, chartered joint stock or incorporated company, without his or their consent:

Provisions of 10 & 11 Vict. c. 14, as to Markets, &c., incorporated. (2.) For the purpose of enabling any local board to establish markets in manner aforesaid, or to regulate markets already established in any corporate borough before the constitution of a local board therein, there shall be incorporated with this Act the provisions of "The Markets and Fairs Clauses Act, 1847," in so far as the same relate to markets:

With respect to the holding of the market or fair, and the protection thereof; and

With respect to the weighing goods and carts; and

With respect to the stallages, rents, and tolls; and

With respect to bye-laws;

Subject to this proviso, that all tolls leviable by the local board in pursuance of this section shall be approved by one of her Majesty's principal Secretaries of State.

Water Supply.

51. *Powers of Sect. 76 of 11 & 12 Vict. c. 63, as to Water Supply, extended to this Act.* The powers given to local boards by the 76th section of the Public Health Act, 1848, shall extend to any house within their district to which a supply of water can be provided at an expense not exceeding the water-rate authorised by the said Act, or any local Act in force in the district, and notices under that section shall be served on owners of houses so supplied instead of occupiers, and expenses incurred under that section shall be recoverable from such owners.

52. *Power of carrying Water Mains.* Where the local board supply water to their district they shall have the same power for carrying water mains within the district as they have for carrying sewers by the law in force for the time being.

53. *Power to Directors of Waterworks or Market Company to sell Works, &c., to Local Boards.* It shall be lawful for any local board of health absolutely to purchase, and for the directors for the time being of any waterworks company or market company, by and with the authority of three-fifths of the shareholders for the time being in such company, who may be present, either personally or by proxy, at some general meeting of the company specially convened for the purpose, to sell, convey, and transfer unto any local board of health, upon such terms as shall be mutually agreed upon between the company and the local board, all the rights, powers, and privileges, and all or any of the lands and premises, works, matters, and things, which at the time of such purchase shall be the property of the company, but subject to all mortgages, contracts, or liabilities to which the same shall be then subject.

Expenses and Rates.

54. *Sect. 86 of 11 & 12 Vict. c. 63, as to the Power of levying Special District Rate, repealed.—Debts incurred and Contracts entered into before passing of this Act enforced.* (1.) The 86th section of the Public Health Act, 1848, shall be repealed; and whenever special district rate is mentioned in the Public Health Act, 1848, that Act shall be read as if no such rate were mentioned therein: Provided always, that all debts incurred and contracts and engagements entered into by or to any local board previously to the passing of this Act shall be enforced, and all powers vested in any local board of raising money by rates, tolls, or other means for the purpose of satisfying all such of the said debts, contracts, and engagements as were incurred or entered into by such local board, shall be exercised, in the same manner as if this Act had not been passed:

(2.) No publication shall be required of any private improvement rate:

(3.) The costs of the levy of arrears of any rate may be included in the warrant for such levy:

(4.) When any rate is appealed against, or the validity of any rate is disputed, the time during which the appeal remains undecided, or any legal proceedings concerning or relating to such rate shall be pending, shall be excluded in calculating the period of six months within which the rate may be made retrospectively:

(5.) Notice of demand of rates may be served in the same way as notice is hereinafter directed to be served by a local board before putting in force the powers of local boards for the taking of land otherwise than by agreement.

55. *Mode of Assessment of General District Rate, and Provision for Compounding for Rates in the Case of small Tenements.* The 86th and 95th sections of "The Public Health Act, 1848," shall be repealed, and in lieu thereof be it enacted, that the general district rates shall be made and levied upon the occupier of all such kinds of property as by the laws in force for the time being are or may be assessable to any rate for the relief of the poor and shall be assessed upon the full net annual value of such property, ascertained by the rate (if any) for the relief of the poor, made next before the making of the assessments under this Act, subject, however, to the following exceptions, regulations, and conditions; namely:

The owner, instead of the occupier, may, at the option of the local board, be rated in cases—

Where the rateable value of any premises liable to assessment under this Act does not exceed the sum of £10; or

Where any premises liable to an assessment are let to weekly or monthly tenants; or,

Where any premises so liable as aforesaid are let in separate apartments, or where the rents become payable or are collected at any shorter period than quarterly; subject to this proviso, that in cases where the owner is rated instead of the occupier, he shall be assessed upon such reduced estimate as the local board deems reasonable of the net annual value, not being less than two-thirds nor more than four-fifths of such annual value.

And where such reduced estimate is in respect of tenements whether occupied or unoccupied, then such assessment may be made on one-half of the amount at which such tenements would be liable to be rated if the same were occupied and the rate were levied on the occupiers.

Certain Kinds of Property assessable on one-fourth of their net annual value. The owner of any tithes, or of any tithe commutation rent-charge, or the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water, or used only as a canal or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, shall be assessed in respect of the same in proportion of one-fourth part only of such net annual value thereof.

Provision as to Exemptions from Rating under Local Acts. Provided, nevertheless, that if within any district or part of a district any kind of property be exempted from rating by any local act, in respect of all or any of the purposes for which general district rates may be made under this Act the same kind of property shall, in respect of the same purposes, and to the same extent, within the parts to which the exemption applies, but not further or otherwise, be exempt from assessment to any general district rates under this Act, unless a provisional order, obtained and confirmed by Parliament in manner hereinafter provided, shall otherwise direct.

56. *Poor Rate Books to be accessible for rating under Public Health Act.*—Power of Valuation as prescribed by 6 & 7 Will. 4. c. 96, in Case there should be no Assessment. For the purpose of assessing the general district rate, any person appointed by the local board may inspect, take copies of, or make extracts from, any rate for the relief of the poor within the district, or any books relating to the same; and if any officer having the custody of such last-mentioned rate or book refuses to permit any such inspection, or the taking of any such copies or extract, he shall, for each offence, incur a penalty not exceeding £20, if there is no such assessment as aforesaid for the relief of the poor, by reference to which such net annual value can be estimated, or if such assessment is, in the judgment of the local board, an unfit criterion for making a general district rate, a valuation shall be made by a person appointed by the local board for that purpose, in manner, as near as circumstances will permit, prescribed by an Act, 7 Will. 4. (c. 96) intitled "An Act to regulate Parochial Assessments," or any other Act for the time being in force for regulating parochial assessments; and the net annual value of the property shall be ascertained by reference to the said valuation and assessment.

57. *Sections 101, 110, and 112 of 1848, 11 Vict. c. 63, repealed, and Power given for raising Money on Credit of Rates.* The 101th, the 110th, and the 112th sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted, that the local board, or any board of improvement commissioners exercising the borrowing powers of the Public Health Act, 1848, may, for the purpose of defraying any costs, charges,

and expenses incurred or to be incurred by them in the execution of this Act, or of any Act incorporated herewith, or of any Act incorporating the powers of the Public Health Act, 1848, borrow and take up at interest, on the credit of the charges and rates authorised to be made or collected under the said Act, respectively, any sums of money necessary for defraying any such costs, charges, and expenses; and for the purpose of securing the repayment of any sums so borrowed, together with such interest as aforesaid, the said local board may mortgage to the persons by or on behalf of whom such sums are advanced, the said charges and rates, or any of them; but the exercise of the above power shall be subject to the following regulations:

(1.) Such money shall not be borrowed, except for permanent works, nor without the sanction of one of Her Majesty's principal Secretaries of State.

(2.) The money so borrowed shall not, except as herein after provided, at any time exceed in the whole the assessable value for one year of the premises assessable within the district in respect of which such money may be borrowed:

(3.) The money may be borrowed for such time, not exceeding thirty years, as the local board, with the sanction of one of Her Majesty's principal Secretaries of State, determine in each case; and, subject as aforesaid, the local board may either pay off the moneys so borrowed by equal annual instalments, or they may in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of Exchequer Bills, or other Government securities, such sum as will be sufficient to pay off the moneys so borrowed, or a part thereof, at such times as the local board may determine.

And in cases where the local board borrow any money for the purpose of defraying private expenses, or expenses in respect of which they have determined a part only of the district to be liable, it shall be the duty of the local board, as between the ratepayers of the district, to make good so far as they can, the money so borrowed, as occasion requires, either out of private improvement rates, or out of a rate levied in such part of the district as aforesaid.

58. *Cost of Private Improvements.* Where any person shall advance money for any expenses which by the said Public Health Act, 1848, art. 91, by the said local board, shall be declared to be private improvement expenses, the said local board, on being satisfied by the report of their surveyor or otherwise that the money advanced by such person has been duly expended, may issue a grant in the form B. in the schedule herunto annexed to such person of a yearly rent-charge to be payable out of the premises, in respect whereof such advance shall have been made, or out of such part thereof, to be specified in such grant, as the said local board, shall think proper and sufficient, such rent-charge to be personal estate, and to begin to accrue from the day of completion of the works, on which and monies shall have been expended as aforesaid, and to be payable by equal half-yearly payments for and during a term not exceeding thirty years, in such manner, that the whole of the said sum so to be advanced as aforesaid, with the costs of preparing the said grant, to be issued as aforesaid, together with interest thereon respectively, at a rate not exceeding six pounds per centum per annum upon the sum from time to time remaining unpaid, shall be repaid at the end of the said term. Provided always, that the grantee of such rent-charge shall for the recovery of the same have all the powers, authorities, rights, and remedies of the said local board, with respect to private improvement rates; and the provisions of the 51st and 92nd sections of the Public Health Act, 1848, shall also be applicable to such rent-charge.

59. *Rent-charges to be registered.* All rent-charges made in pursuance of this Act, and transfers thereof, shall be registered in the same manner, respectively as mortgages and transfers are required to be registered under the 11th and 112nd sections of the Public Health Act, 1848.

Books of Accounts.

60. *Provisions as to Audit of Accounts.* The 122nd section of the Public Health Act, 1848, shall be repealed, and in lieu thereof be it enacted as follows: Where the mayor, aldermen, and burgesses of a borough are the local board, the accounts and receipts and expenditure of the local board shall be audited and examined by the auditors of the borough, and shall be published in like manner and at the same time as the municipal accounts, and the auditors shall proceed in the audit and like notice and in like manner, shall have like powers as

authorities, and perform like duties, as in the case of auditing the municipal accounts; and each of such auditors shall in respect of each audit be paid, out of the general district rates levied under this Act, such reasonable remuneration, not being less than two guineas for every day in which they are employed in such audit, as the local board from time to time appoints; and any order of the local board for the payment of any money may be removed by certiorari, and like proceedings may be had thereon as under sect. 44 of the Act 1 Vict. c. 78, with respect to orders of the council of a borough for payments out of the borough fund:

With respect to districts not boroughs, as follows:

- (1.) The accounts of the receipts and expenditure of the local board shall be audited and examined once in every year, as soon as can be after the 25th day of March, by the auditor of accounts relating to the relief of the poor for the union in which the district, or the greater part thereof, is situate, unless such auditor is a member of the local board whose accounts he is appointed to audit, in which case such accounts shall be audited by such auditor of any adjoining union as may from time to time be appointed by the local board of health:

Power of Allowance, Disallowance, and Surcharge.— Disallowances may be removed by Certiorari into Court of Queen's Bench.—*Appeal against Disallowances.* And any auditor acting in pursuance of this section shall disallow every item of account contrary to law, and surcharge the same upon the person making or authorizing the making of the illegal payment, and shall certify the same to be due from such person, and upon application by any party aggrieved shall state in writing the reasons for his decision in respect of such disallowance or surcharge, and also of any allowance which he may have made; and any person aggrieved by disallowance made may apply to the Court of Queen's Bench for a writ of certiorari to remove the disallowance into the said Court, in the same manner, and subject to the same conditions, as are provided in the case of disallowances by auditors under the laws for the time being in force with regard to the relief of the poor; and the said Court shall have the same powers with respect to allowances, disallowances, and surcharges under this Act as it has with respect to disallowances or allowances by the said auditors; or in lieu of such application any person so aggrieved may appeal to one of her Majesty's principal Secretaries of State, who shall have the same powers in the case of the appeal as are possessed by the Poor Law Board in the case of appeals against allowances, disallowances, and surcharges by the said poor law auditors:

As to Recovery of Disallowances. (3.) Every sum certified to be due from any person by the auditor under this Act shall be paid by such person to the treasurer of the local board within fourteen days after the same shall have been so certified, unless there be an appeal against the decision; and if such sum shall not be so paid, and there be no such appeal, the auditor shall recover the same from the person against whom the same shall have been certified to be due, by the like process and with the like powers as in the case of sums certified upon the audit of the poor-rate accounts, and shall be paid by the local board all such costs and expenses, including a reasonable compensation for his loss of time, incurred by him in such proceedings, as shall not be recovered by him from such person:

Power to Auditor to require Production of Books. (3.) For the purpose of any audit of account under this Act, every auditor may, by summons in writing, require the production before him of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same; and if any such person neglects or refuses so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding 40s.; and if he falsely or corruptly makes or signs any such declaration, knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted upon persons guilty of wilful and corrupt perjury;

and such auditor shall, in respect of each audit, be paid out of the general district rates levied under this Act such reasonable remuneration, not being less than two guineas for every day in which he is employed in such audit, as the local board from time to time appoints, together with his expenses of travelling to and from the place of audit:

Notice of Audit. (4.) Before each audit of accounts under this Act, the local board shall, after receiving from the auditor the requisite appointment, give twenty days notice of the time and place at which the same will be made, by advertisement in some one or more of the public newspapers circulated in the district; add a copy of the accounts to be audited, together with all rate books, account books, deeds, contracts, accounts, bills, vouchers, and receipts mentioned or referred to in such accounts, shall be deposited in the office of the local board, and be open, during office hours thereat, to the inspection of all persons interested, for seven days before the audit; and all such persons shall be at liberty to take copies of or extracts from the same, without fee or reward; and the production of the newspaper containing such notice shall be deemed to be sufficient proof of the notice of audit on any proceeding whatsoever:

Report of Auditor. (5.) Within fourteen days after the completion of the audit, the auditor shall report upon the accounts audited and examined, and shall deliver such report to the clerk of the local board, who shall cause the same to be deposited in the office of the local board, and shall publish an abstract of such accounts in some one or more of the newspapers circulated in the district.

Legal Proceedings.

61. *Notices by Local Boards to be signed by Clerk.* Any summons, demand, or notice, or other such document under the Public Health Act, 1848, or any supplemental Act or this Act, may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the local board, the signature thereof by the clerk to the local board shall be sufficient authentication.

62. *Expenses due from Owners to be a Charge on Premises.* Where the local board have incurred expenses, for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable, either by application of or agreement with the owner, or by the Public Health Act, 1848, or any Act incorporated therewith, or this Act, the same may be recovered from the person who is owner of such premises when the works are completed for which such expenses have been incurred, in the manner provided by the Public Health Act, 1848, and such expenses shall be a charge on the premises in respect of which they were incurred, and shall bear interest at the rate of £5 per cent. per ann. till payment thereof. In all summary proceedings by a local board for the recovery of expenses incurred by them in works of private improvement, the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand.

63. *Apportionment of Expenses payable by Owners to be conclusive after three Months from Notice given to them of the Amount.* Notwithstanding anything in the Public Health Act contained, in all cases where by such Act the local board shall have incurred expenses, for the repayment whereof the owners of the premises for or in respect of which the same are incurred is made liable by the Public Health Act, 1848, or any Act incorporated therewith, or by this Act, and such expenses have been settled and apportioned by the surveyors as payable by such owner, such apportionment shall be binding and conclusive upon such owner, unless within the expiration of three months from the time of notice being given by the local board or their surveyor of the amount of the proportion so settled by the said surveyor to be due from such owner he shall by written notice dispute the same.

64. *Arbitration to be confined to Cases involving more than £20.* All questions referable to arbitration under the Public Health Act, 1848, or this Act, or any Act incorporated therewith, may, when the amount in dispute is less than £20, be determined before two justices in a summary manner, but the justices may, if they think fit, require that the work in respect of which the claim of the local board is made, and the particulars of the claim, be reported on to them by any competent surveyor, not being the surveyor of the local board; and the justices may determine the amount of costs incurred on that

behalf, and by whom such costs or any part of them shall be paid.

65. *Memorials in respect of Private Improvement Charges.* Memorials under the 120th section of the Public Health Act, 1848, from and after the 1st of September, 1868, shall be addressed to one of her Majesty's principal Secretaries of State, who shall have the same powers in respect thereof as are vested in the General Board of Health by the said section.

66. *Penalty on Injury to Works, &c., of Local Board.* If any person wilfully injures any works or materials belonging to any local board, he shall in cases where no other penalty is provided by the Public Health Act, 1848, or any Act incorporated therewith, incur for every such offence a penalty not exceeding £5, to be recovered in a summary manner.

67. *Penalties to be payable to District Fund Account.* All penalties incurred in any corporate borough, and made payable to the local board of health by the Public Health Act, 1848, or any Act incorporated therewith, or this Act, or any Act of which the powers are to be executed by a local board, shall be payable to the district fund account; any Act to the contrary notwithstanding.

68. *Sect. 145 of 11 & 12 Vict. c. 63, repealed, and Provisions herein named in lieu thereof.* The 145th section of the Public Health Act shall be repealed, and in lieu thereof be it enacted, That nothing in this Act shall be construed to authorise any local board of health,

(1.) To use, injure, or interfere with any sluices, floodgates, sewers, groynes, or sea defences, or other works, already or hereafter made under the authority of any commissioners of sewers appointed by the Crown, or any sewers or other works already or hereafter made and used for the purpose of draining, preserving, or improving land under any local or private Act of Parliament, or for the purpose of irrigating land, or in any manner to disturb or interfere with any lands, tenements, estates, or property vested in her Majesty's principal Secretary of State for the War Department for the time being, without consent in writing first obtained from such Commissioners or Secretary of State, or persons acquiring rights under such local or private Acts respectively; and nothing herein contained shall prejudice or affect the rights, privileges, powers, or authorities given or reserved to any person under such local or private Acts;

(2.) *Saving Clause for Proprietors of Canals, &c.* To interfere with any river, canal, dock, harbour, lock, reservoir, or basin, so as to injuriously affect the navigation thereon, or the use thereof, or to interfere with any towing-path so as to interrupt the traffic thereof, in cases where any corporation, company, undertakers, commissioners, conservators, and trustees, or individuals are by virtue of any Act of Parliament entitled to navigate on or use such river, canal, dock, harbour, lock, reservoir, or basin, or in respect of the navigation on or use of which river, canal, dock, harbour, lock, reservoir, or basin, any corporation, company, undertakers, commissioners, conservators, and trustees, or individuals, are entitled by virtue of any Act of Parliament to the receipt of any tolls or other dues;

(3.) To interfere with any watercourse in such manner as to injuriously affect the supply of water to any river, canal, dock, harbour, reservoir, or basin, in cases where any corporation, company, undertakers, commissioners, conservators, trustees, or individuals (being authorised by virtue of any Act of Parliament to navigate on or use such river, canal, dock, harbour, reservoir, or basin, or to demand any tolls or dues in respect of the navigation on or use of such river, canal, dock, harbour, reservoir, or basin), would, if this Act had not passed, have been entitled by law to prevent or be relieved against such interference;

(4.) To interfere with any bridges crossing any river, canal, dock, harbour, or basin, in cases where any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are authorised by virtue of any Act of Parliament to navigate or use such river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation or use of such river, canal, dock, harbour, or basin;

(5.) To execute any works in, through, or under any wharves, quays, docks, harbours, or basins, to the exclusive use of which any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are entitled

by virtue of any Act of Parliament, or for the use of which they are entitled by virtue of any Act of Parliament to demand any tolls or dues.

69. *Works not within preceding Section, and which interfere with Improvement of Rivers, Canals, &c., to be referred to Arbitration.* In cases where any matters or things proposed to be done by any local board, and which are not within the prohibition aforesaid, interfere with the improvement of any river, canal, dock, harbour, lock, reservoir, basin, or towing-path, which any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the navigation whereon or use whereof to demand any tolls or dues, or interfere with any works belonging to such river, canal, dock, harbour, or basin, or with any land necessary for the enjoyment or improvement thereof, the local board shall give to such corporation, company, undertakers, commissioners, conservators, trustees, or individuals as last aforesaid, a notice specifying the particulars of the matters and things so intended to be done; and if the parties on whom such notice is served do not consent to the requisitions thereof, the matter in difference shall be referred to arbitration; and the following questions shall be decided by such arbitration: (that is to say),

(1.) Whether the matters or things so proposed to be done by the local board will cause any injury to such river, canal, dock, harbour, basin, towing-path, works, or land as are hereinbefore mentioned in this section, or to the enjoyment or improvement of such river, canal, dock, harbour, or basin as aforesaid;

(2.) Whether any injury that may be caused by such matters or things or any of them is or not of a nature to admit of being fully compensated by money.

70. *Effect of Arbitration.* The result of any such arbitration shall be final, and the local board shall do as follows: (that is to say),

If the arbitrators are of opinion that no injury will be caused, the local board may forthwith proceed to do the proposed matters and things;

If the arbitrators are of opinion that injury will be caused, but that such injury is of a nature to admit of being fully compensated by money, they shall proceed to assess such compensation; and upon payment of the amount so assessed, but not before, the local board may proceed to do the proposed matters and things;

If the arbitrators are of opinion that injury will be caused, and that it is not of a nature to admit of being fully compensated by money, the local board shall not proceed to do any matter or thing in respect of which such opinion may be given.

71. *Provision as to Transfer of Powers, &c.* No transfer of powers and privileges under this Act shall deprive any corporation, company, undertakers, commissioners, conservators, trustees, or individuals authorised by virtue of any Act of Parliament to navigate on any river or canal, or to demand for their own benefit in respect of such navigation any tolls or dues, of such powers and privileges as are vested in them by any Act of Parliament in relation to such river or canal.

72. *Power for Corporation to alter Sewers.* Any corporation, company, undertakers, commissioners, conservators, trustees, or individuals authorised by virtue of any Act of Parliament to navigate on or use any river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation on such river, or canal, or the use of such dock, harbour, or basin, may, at their own expense, and on substituting other sewers, drains, culverts, and pipes equally effectual, and certified as such by the surveyor to the local board, take up, divert, or alter the level of any sewers, drains, culverts, or pipes constructed by any local board, and passing under or interfering with such rivers, canals, docks, harbours, or basins, or the towing-paths of such rivers, canals, docks, harbours, or basins, and do all such matters and things as may be necessary for carrying into effect such taking up, diversion, or alteration.

73. Preserving Water Rights of Companies or Individuals.] Nothing in this Act or any Act incorporated therewith shall be construed to authorise any local board to injuriously affect any reservoir, river, or stream, or the feeders of any reservoir, river, or stream, or the supply, quality, or fall of water contained in any reservoir, river, stream, or feeders of any reservoir, river, or stream, in cases where any company or individuals would, if this Act had not passed, have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir, river, stream, feeders, supply, quality, or fall of water, unless such board shall have first obtained the consent in writing of such company or individuals so entitled as aforesaid.

74. Arbitration Questions under preceding Sections.] Any difference of opinion that may arise between a local board and any such corporation, company, commissioners, conservators, trustees, or individuals as aforesaid, whether any sewers, drains, culverts, or pipes substituted under the powers of this Act for sewers, drains, culverts, or pipes constructed or laid down by any local board are equally effectual with those for which they are substituted, or whether the supply, quality, or fall of water in any such reservoir, river, or stream as last aforesaid is injuriously affected by the exercise of powers under this Act, may, at the option of the party complaining, be determined by arbitration in the manner hereinbefore provided; and in the latter case the arbitrators shall decide the same questions as to the alleged injury; and the local board shall proceed in the same way as is hereinbefore provided with regard to arbitrations in cases of alleged injury to rivers, canals, docks, harbours, and basins.

75. Regulation as to the Purchase of Land.] So much of the 94th section of the Public Health Act, 1848, as relates to the incorporation of the Lands Clauses Consolidation Act, 1845, shall be repealed, and the following regulations shall be observed with respect to the purchase of land by local boards for the purposes of this Act: (that is to say)

(1.) The Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act, except the provisions relating to access to the special Act;

(2.) The local board, before putting in force any of the powers of the said Lands Clauses Consolidation Act with respect to the purchase and taking of land otherwise than by agreement, shall

Publication of Notices.] Publish once at the least in each of three consecutive weeks in the month of November in some newspaper circulating in the district or some part of the district within which such local board has jurisdiction is situate, an advertisement describing shortly the nature of the undertaking in respect of which the land is proposed to be taken, naming a place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of land that they require; and shall further in the month of December

Service of Notices.] Serve a notice in manner hereinafter mentioned on every owner or reputed owner, lessee or reputed lessee and occupier of such land, defining in each case the particular land intended to be taken, and requiring an answer, stating whether the person so served assents, dissents, or is neuter in respect of taking such land; such notice to be served

By delivery of the same personally on the party required to be served, or, if such party is absent abroad, to his agent; or

By leaving the same at the usual or last known place of abode of such party as aforesaid; or

By forwarding the same by post in a registered letter addressed to the usual or last known place of abode of such party.

Power to Local Board to petition Secretary of State upon Matters herein intended.] (3.) Upon compliance with the provisions hereinbefore contained with respect to advertisements and notices, the local board may, if they shall think fit, present a petition under their seal to one of her Majesty's principal Secretaries of State; the petition shall state the land intended to be taken, and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking such land, or who have returned no answer to the notice; it shall pray that the local board may, with reference to such land, be allowed to put in force the powers of the said Lands Clauses Consolidation Act with respect to the

purchase and taking of land otherwise than by agreement, and such prayer shall be supported by such evidence as the Secretary of State requires.

Secretary of State may direct Inquiry.] (4.) Upon the receipt of such petition, and upon due proof of the proper advertisements having been published and notices served, the Secretary of State shall take such petition into consideration, and may either dismiss the same, or direct an inquiry in the district in which the land is situate, or otherwise inquire as to the propriety of assenting to the prayer of such petition; but until such inquiry has been made in the district, after such notice as may be directed by the Secretary of State, no provisional order shall be made affecting any land, without the consent of the owners, lessees, and occupiers thereof.

And may make Provisional Order.] (5.) After the completion of the inquiry as last aforesaid, the Secretary of State may, by provisional order, empower the local board to put in force with reference to the land referred to in such order the powers of the said Lands Clauses Consolidation Act with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as he may think fit, and it shall be the duty of the local board to serve a copy of any order so made in the manner and upon the person in which and upon whom notices in respect of such land are hereinbefore required to be served.

No Provisional Order valid until confirmed by Parliament.] (6.) No provisional order so made shall be of any validity unless the same has been confirmed by Act of Parliament; and it shall be lawful for the Secretary of State as soon as conveniently may be to obtain such confirmation, and the Act confirming such order shall be deemed to be a public general Act of Parliament.

Costs how to be defrayed.] (7.) All costs, charges, and expenses incurred by the said Secretary of State in relation to any such provisional order as last aforesaid shall, to such amount as the Commissioners of her Majesty's Treasury think proper to direct, become a charge upon the general district rates levied in the district to which such order relates; and be repaid to the said Commissioners of her Majesty's Treasury by annual instalments not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of any such last-mentioned order, upon so much of the principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid.

Local Board to report.] Every local board shall make an annual report in such form and at such time as the Secretary of State may from time to time direct, of all works executed by them during the preceding year, and of all sums received and disbursements made, under and for the purposes of this Act, and publish the same in some newspaper circulating in the district, and shall send a copy to the Secretary of State.

Provisional Orders and Powers of Secretary of State.

77. Petition for Incorporation with or Separation from District, or for Repeal, &c. of Local Acts.] The 141st section of the Public Health Act, 1848, shall be repealed, and in lieu thereof be enacted as follows: Whenever it appears desirable to the local board of any district, or to the majority of the owners and ratepayers in any parish, township, hamlet, or place maintaining its own roads or its own poor, adjoining any district, or to the majority of owners and ratepayers in any part of a district, such majorities to be ascertained in the way herein provided for voting with respect to the adoption of this Act.

That any portion of such parish, township, hamlet, or place should be incorporated with the district, or that such part of the district should be separated therefrom, or whenever it appears to the local board of any district desirable

That provision should be made for the future execution of any local Acts in force within such district, having relation to the purposes of this Act, and not conferring powers or privileges upon corporations, companies, undertakers, or individuals, for their own pecuniary benefit, or that any such Acts, or any exemptions from rating derived therefrom, or any provisional order or order in council applying the Public Health Act, 1848, or Act confirming such provi-

national orders, should be wholly or partially repealed or altered, notwithstanding that the said orders have been made.

(1.) They may present a petition to one of her Majesty's principal Secretaries of State, praying for such incorporation, separation, provision, repeal, and alteration as aforesaid, or for any of such things, and such petition shall be supported by such evidence as the said Secretary requires.

Power of Secretary of State on receipt of Petition.] (2.) Upon the receipt of any such petition, inquiry may be directed in the district in respect of the several matters mentioned in the petition, after giving fourteen days' notice of the time, place, and subject of the inquiry.

To issue Order, and obtain Consent of District.] (3.) It shall be lawful for any of her Majesty's principal Secretaries of State to issue a provisional order in relation to the several things mentioned in the petition, and either in accordance with the prayer thereof, or with such modifications as may be requisite; and when the order provides for the incorporation of a portion of any such parish, township, hamlet, or place with the district, or the separation of any part from the district, an inspector shall proceed to the district for the purpose of obtaining the consent to such order of the place of which it is proposed that a portion should be incorporated, or of the part to be separated, and also, if such order provide for any such incorporation, the consent of the petitioning district.

Consent how testified.] (4.) The consent of the petitioning district to such order shall be testified by a resolution of the local board of such district, and the consent of any place or part by a resolution passed by a majority of the ratepayers resident in any such place or part assembled at a meeting convened for the purpose; and the inspector shall, for the purpose of obtaining such consents, have power to convene meetings of the local board of any district, or meetings of the ratepayers of any place or part, with fourteen days' notice of the time, place, and subject of such meetings, and to do all such matters and things as may be expedient for that purpose.

Provision as to Meetings of Parish or Place.] (5.) In the case of a meeting of the ratepayers of any place or part, the ratepayers present shall elect a chairman, and a declaration by the chairman that the opinion of the meeting is in favour of, or against, any resolution, as the case may be, shall, in the absence of proof to the contrary, be sufficient evidence that the resolution is passed. The inspector shall have power to attend any such meeting.

Secretary of State to obtain Confirmation of Order.] (6.) Whenever such consents as aforesaid have been given in the cases in which they are hereinafter required, the said Secretary of State shall, as soon as conveniently may be, take all necessary steps for the confirmation of such order by Act of Parliament; but previously to such confirmation it shall not be of any validity whatever; and every Act of Parliament confirming such order shall be deemed a public general Act. In case any petition shall be presented to either House of Parliament against any provisional order framed in pursuance of this Act, in the progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the order so petitioned against, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

Extension of borrowing Powers in certain Cases.] (7.) Where a local board, or any board of Improvement Commissioners exercising the borrowing powers of the Public Health Act, 1848, or this Act, or of any local Act, has contributed to, purchased, or executed works of sewerage and water supply, or proposes to contribute to, purchase, or execute such works, and where the cost of such works exceeds or is estimated to exceed one year's assessable value of the premises situate within the district in respect of which such money may be borrowed, it shall be lawful for such board to present a petition to one of her Majesty's principal Secretaries of State, praying for powers to borrow, or re-borrow, for such works, on mortgage of the rates leviable by them under the Public Health Act, 1848, and this Act, and any local Act, an amount not exceeding two years assessable value of the premises assessable within the district in respect of which such money may be borrowed or re-borrowed, such amount to be repaid within such period not exceeding fifty years as such board, with the sanction of one of her Majesty's principal Secretaries of State, shall in each case determine; and it shall be lawful for any of her Majesty's principal Secretaries of State to direct inquiry on such petition, and to issue a provisional order thereupon, and to take steps for the confirmation of any such provisional order by Act of Parliament, in the manner sanctioned in the preceding section.

Secretary of State to provide for Execution of Act.] It

shall be lawful for the Secretary of State to report annually to Parliament on the execution of this Act, to make or direct inquiries as are directed by this Act, and to appoint from time to time such officers, clerks, and servants as he may require for the purposes of this Act, and at his pleasure to remove any such officers, clerks, or servants; and the Commissioners of her Majesty's Treasury shall fix the salaries and allowances of such officers, clerks, and servants.

Power for Inquiry directed by Secretary of State.] Any officer directed by one of her Majesty's principal Secretaries of State to inquire into any matter into which such Secretary is empowered to direct inquiry under this Act shall for the purposes of such inquiry, have all the powers vested in superintending inspectors by the 141st sect. of the Public Health Act, 1848.

Orders of Secretary of State to be binding.] All orders made by one of her Majesty's principal Secretaries of State in pursuance of this Act, shall be binding and conclusive in respect of the matters to which they refer; and any such Secretary may make orders as to the costs of any appeal to him under this Act, and the parties by whom such costs are to be borne; and every such order may be made a rule of one of the superior courts of law, on the application of any party named therein.

Exception of Oxford and Cambridge.] Notwithstanding anything contained in this Act, the Oxford and Cambridge Commissioners, described in the 21st section of the Public Health Act, 1848, shall be the bodies authorised to adopt this Act for the districts respectively within their jurisdiction; and in the event of the adoption of this Act by the said Cambridge Commissioners, the said Commissioners shall be the local board for the district of Cambridge; and in the event of such adoption by the said Oxford Commissioners, the local board of the Oxford district shall consist of the Vice-Chancellor of the University of Oxford and the Mayor of Oxford for the time being, and of forty-five other Commissioners, fifteen to be elected by the University of Oxford, sixteen by the town council of Oxford, and fourteen by the ratepayers of the parishes situate within the jurisdiction of the Oxford Commissioners, and the election of such Commissioners by the town council and by the ratepayers of the parishes respectively shall be conducted at the same time in the same way, and subject to the same regulations in and subject to which members constituting the body of Oxford Commissioners are now respectively chosen by such town council and parishes; and the fifteen Commissioners to be elected by the university shall be elected as follows: namely, four Commissioners shall be elected by the university in convocation, and eleven Commissioners shall be elected by the heads and senior bursars of the several colleges; and by the heads of the several halls; and the elections shall be conducted by the said university, and by the colleges and halls respectively, at the same time and in the same way, and subject to the same regulations, in and subject to which guardians of the poor for the university and for the colleges and halls are now chosen by them respectively; save that in the election of Commissioners the heads and bursars of all the colleges and the heads of all the halls shall be summoned by the Vice-Chancellor for that purpose, and shall be entitled to vote; and differences between either of the universities of Oxford and Cambridge and the local boards of Oxford and Cambridge respectively within the meaning of the 103th section of the Public Health Act, 1848, shall be settled by arbitration in the manner provided by that Act.

SCHEDULE

Form of Petition. At a meeting held on the _____ day of _____ in the county of _____ it was agreed that the following resolution should be proposed to the owners and ratepayers:—

That the Local Government Act, 1888, be adopted in the case of _____

Number of Votes.

In favour _____

Against _____

John Smith.

of _____

within British Columbia for the purpose of this Act; but it shall be lawful for her Majesty, her heirs and successors, on receiving at any time during the continuance of this Act a joint address from the two Houses of the Legislature of Vancouver's Island, praying for the incorporation of that island with British Columbia, by order to be made as aforesaid, with the advice of her Privy Council, to annex the said island to British Columbia, subject to such conditions and regulations as to her Majesty shall seem expedient; and thereupon and from the date of the publication of such order in the said island, or such other date as may be fixed in such order, the provisions of this Act shall be held to apply to Vancouver's Island.

7. "Governor." In this construction of this Act the term "Governor" shall mean the person for the time being lawfully administering the Government of British Columbia.

8. Act to continue in force until December 31, 1862.—*Expiration of Act not to affect Boundaries, &c.* This Act shall continue in force until the 31st of December, 1862, and thenceforth to the end of the then next session of Parliament: Provided always, that the expiration of this Act shall not affect the boundaries hereby defined, or the right of appeal hereby given, or any act done or right or title acquired under or by virtue of this Act, nor shall the expiration of this Act revive the Acts or parts of Acts hereby repealed.

CAP. 99.

An Act to regulate the Office of Clerk of Petty Sessions in Ireland. [2nd August, 1858.]

CAP. 100.

An Act to amend the Act of the Eighteenth and Nineteenth Years of her present Majesty, Chapter Sixty-three, relating to Friendly Societies. [2nd August, 1858.]

WHEREAS it is expedient to amend the 18 & 19 Vict. c. 63, intitled "An Act to consolidate and amend the Law relating to Friendly Societies," and to provide additional facilities for carrying the same into effect: Be it enacted &c.

1. Jurisdiction of County Court given to Judge of Sheriff's Court, Assistant Barrister, &c.; and Sect. 24, extended to Ireland.] In the City of London the Judge of the Sheriff's Court, and in Ireland the assistant barrister, within his district, and in the cities of Dublin and Cork the recorder thereof, shall respectively have the same jurisdiction as by the said Act, as amended by this Act, is given to the judge of a county court in any matter arising under the said Act, and in Ireland a justice of the peace or two justices of the peace, as the case may be, shall have the same jurisdiction as by sect. 24 of the said Act is given to a justice of the peace or two justices of the peace in England in any matter arising under the said section, but the complaint shall be heard and determined in manner directed by the 14 & 15 Vict. c. 93.

2. No Money to be paid on the Death of a Child without a Certificate signed by a Medical Practitioner.] The 10th section of the said Act shall be repealed; and instead thereof be it enacted, that any society in which a sum of money may be insured, payable on the death of a child under the age of ten years, for the funeral expenses of such child, it shall not be lawful to pay any sum so insured unless the person who shall apply for such payment shall produce a certificate, signed by a qualified medical practitioner, stating the probable cause of death of such child; and if any trustee or officer of such society, upon an insurance of a sum payable on the death of any child under the age of ten years, shall knowingly pay a sum which shall raise the whole amount receivable from one or more than one society for the funeral expenses of a child under the age of five years to a sum exceeding £6, or of a child between the ages of five and ten years to a sum exceeding £10, or shall pay any sum without indorsing the amount thereof on the back or at the foot of the medical certificate aforesaid, or if any parent or other person who shall apply for such payment to more than one society, shall produce to the trustees or officers of one society any other or different certificate than that which he shall have produced to the trustees or officers of any other society, such trustee, officer, parent, or other person shall be liable to a penalty not exceeding £5 for every such act upon conviction before two justices of the county or borough in which such child shall have died: Provided, that if the said child shall have been attended immediately before its death by the medical officer of any union on account of such union, he shall deliver to the parents or friends of the deceased child, upon their application, a certificate stating the probable cause of death of such child, and shall not be entitled to receive any fee for the same; and if such child shall not have been attended

by such medical officer as aforesaid, nor by any qualified medical practitioner, the medical officer of the union or parish in which such child shall have been resident shall deliver to the parents or friends of the deceased child, upon their application, a certificate stating the probable cause of death of such child, and shall be entitled to receive from the parties applying in the same a fee of 1s.

3. Extension of Provisions of recited Act as to Penalties of Fraud, &c.] Sects. 16 and 24 of the said Act shall extend and be applicable to all institutions and societies entitled to the benefit of a 11 of the said Act.

4. Power to Society to change its Name.] Any friendly society may, with the approval in writing of the registrar, change its name; but no such change shall affect any rights or obligations of the society or any member thereof, and any legal proceedings may be continued or commenced by or against the trustees of the society, or any officer or the committee thereof, by and notwithstanding its new name.

5. Disputes to be settled by Justices, if Rules so direct.—Justices may make Order.—*Sheriff in Scotland to have same Jurisdiction as Justices.* The proviso contained in s. 40 of the said Act shall be repealed, and in lieu thereof be it enacted, That where the rules of any society established under the said Act, or any of the Acts thereby repealed, shall direct disputes to be referred to justices, then any justice of the peace acting in the county or borough in which the place of business of such society shall be situated, upon complaint made by any member, his executors, administrators, nominees, or assigns, or by any person claiming under the rules of the society, of any matter in dispute between him or them and the society, to summon the person against whom such complaint is made to appear at a time and place to be named in such summons, and any two justices present at the time and place mentioned in such summons shall proceed to hear and determine the said complaint, which complaint shall be heard and determined in England in manner directed by the 11 & 12 Vict. c. 43, and in Ireland in manner directed by the 14 & 15 Vict. c. 93; and such justices may make such order thereupon, either for the payment of money, or otherwise, together with costs, not exceeding ten shillings, as they shall think fit; and where the order made shall be for the doing of some act other than the payment of money, the said justices may order the payment of a sum of money in default of the doing of such act; and any money which shall be paid by any officer of the society so levied as his property under any order or warrant, the justices shall be repaid, with all damages accruing to him, by the society: Provided always, that in Scotland the sheriff within his county shall have the same jurisdiction as is hereby given to a justice or justices of the peace.

6. Sects. 40 and 44 of said Act extended to other Disputes.] Sects. 40 and 44 of the said Act shall extend and be applicable to disputes between the executors, administrators, nominees, assigns of a member, and the trustees, treasurer, or other officer, or the committee of a society.

7. An Officer to be proceeded against on behalf of a Society.] In any proceeding under the said recited Act or this Act against a society, it shall be sufficient to make the secretary or other officer of the society, at the time of the plaint or complaint being entered or made, the defendant in such proceeding, by his name, and the title of the office he holds in the society; and the proceedings on such plaint or complaint shall be commenced and carried on against such officer on behalf of the society, and shall not be abated or prejudiced by the death, resignation, or removal, or by any act of such officer after the commencement thereof; and the summons to be issued to such officer may be served by leaving the same at the usual place of business of the society.

8. In case of Dissolution, Registrar or Actuary may apply for Funds.—Application may be made to Registrar or Actuary in case of Insolvency of Society.] Instead of its being necessary to state in the agreement for the dissolution of a friendly society, pursuant to the said recited Act, the intended appropriation or division of the funds or property thereof, such appropriation or division may, by such agreement be referred to the award of the registrar of friendly societies, or to the actuary to the Commissioners for the Reduction of the National Debt, or to an actuary of some life assurance company established in London, Edinburgh, or Dublin, who shall have exercised the profession of actuary for at least five years, to be named in the said agreement; and also that on the application in writing of more than one fourth part of the members of any friendly society made to the registrar or actuary aforesaid, stating that the

of the said society are insufficient to meet the claims thereon, with the grounds thereof, it shall be lawful for the registrar or actuary aforesaid to investigate the same, and to determine whether the said society should continue or be dissolved, and the funds and property divided; and if in his opinion the said society should be dissolved, then to make an award to that effect, and to award, without the requirement of sect. 13 of the said Act being complied with, in what way the funds and property should be appropriated and divided; and that the award of the said registrar or actuary in either of the said cases shall be final and conclusive on all the members and other persons interested in or having any claim on the funds of the said society, without appeal, and shall be enforced in the same manner as by sect. 41 of the said Act is provided for enforcing the decision of arbitrators; and that the expenses incurred by the said registrar or the charges of the said society shall be paid out of the funds and property of the said society before any appropriation or division thereof shall be made.

Act to be considered as one Act.] This Act and the said revised Act shall be construed as one Act, and may be cited together for all purposes as the "Friendly Societies Acts, 1855 & 1856."

CAP. CII.
Act to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes. [2nd August, 1858.]

WHEREAS an Act was passed in the 8th Vict. [c. 109] intitled "An Act to indemnify Persons connected with Art Unions and others against certain Penalties," which Act was continued by another Act passed in the 9th Vict. [c. 57]: And whereas another Act was passed in the 10th Vict. [c. 48] intitled "An Act for legalising Art Unions": And whereas certain parties have formed themselves into a voluntary association for the purpose of encouraging the application of high art to the production of works of utility and ornament, with reference to the said last-recited Act, by means of the purchase of works of British and foreign manufacture, to be afterwards allotted and distributed by chance or otherwise as prizes among the several members, subscribers, or contributors forming part of such said association: And whereas doubts have been entertained whether the said association is a lawful association within the same meaning of the said last-recited Act: And whereas it is expedient that all members of and subscribers and contributors to this voluntary association, and all persons acting under the authority or on the behalf of the same, shall be discharged and protected from any pains and penalties to which they may have rendered themselves liable or may render themselves liable by reason of any such their proceedings as aforesaid: Be it therefore enacted &c. as follows:

1. The said Association and the Members, Subscribers, and Contributors thereof, discharged from Suits and Penalties.] The said association now constituted, and the members of and subscribers and contributors to the said association, and all persons who may have acted or may hereafter act under the authority or on the behalf of the same, shall be freed and discharged from all pains and penalties, suits, prosecutions, and liabilities to which by law they are or may be liable as having been concerned in illegal lotteries, little goes, or unlawful games, by reason of anything done or which may have been or may be done by them or any of them heretofore or before the 31st day of August in the year next ensuing the passing of this Act, in furtherance of the allotment or distribution by chance, scheme, or otherwise of articles of the description herebefore set forth, selected, allotted, and distributed as aforesaid.

CAP. CIV.
An Act to promote and regulate Reformatory Schools for Juvenile Offenders in Ireland. [2nd August, 1858.]

Act to alter and amend the Metropolitan Local Management Act (1835) and to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames and the Main Drainage of the Metropolis. [2nd August, 1858.]

WHEREAS it is necessary, with a view to the health of the metropolis, that works should be speedily undertaken and completed for the purification of the Thames and for the improvement of the drainage of the metropolis and for this purpose it is expedient that the Act of the 18 & 19 Vict. [c. 100], "For the better Local Management of the Metropolis," should be amended: Be it enacted &c. as follows:

1. The Metropolitan Board of Works to commence Sewerage Works as soon as may be.] The Metropolitan Board shall cause to be commenced as soon as may be after the passing of this Act, and to be carried on and completed with all convenient speed, according to such plan as to them may seem proper, the necessary sewers and works for the improvement of the main drainage of the metropolis, and for preventing, as far as may be practicable, the sewage of the metropolis from passing into the River Thames within the metropolis.

2. Metropolitan Board may construct Works on the Shores and Bed of the Thames.] The Metropolitan Board of Works, for the purposes of this Act, may construct any work through, along, over, or under the bed and soil and banks and shores of the River Thames, making compensation to all persons having any interest in any wharves, jetties, or other property damaged by such works, as provided by the said Act of the 18 & 19 Vict. in respect of property injured under the powers of such Act.

3. Powers of taking Land to apply for the Purpose of deodorizing Works.] The powers of taking land given by the said Act of the 18 & 19 Vict. and all other powers in such Act and this Act in relation to sewerage works, shall extend and be applicable as well to works for deodorizing sewage as to all other works under this Act, either within or beyond the limits of the metropolis, and all such works shall be deemed works for the purpose of the sewerage or drainage of the metropolis.

4. Metropolitan Board of Works may (before 1863) raise the sum of £3,000,000 by Bonds or Debentures.] The Metropolitan Board of Works may, with the consent of the Commissioners of her Majesty's Treasury, from time to time after the passing of this Act, but not later than the 31st of December, 1864, borrow on such bonds, debentures, or other securities, and at such rate of interest, and upon such terms as to the time of repayment and otherwise, as such Commissioners may approve, any sum or sums of money not exceeding in the whole the sum of £3,000,000 for the purposes of this Act.

5. Power to raise Money for Repayment of Principal Money.] Upon or for the repayment of the principal money secured under the authority of this Act, or any part of such money, the said Metropolitan Board may, with such consent as aforesaid, at any time borrow on such bonds, debentures, or other securities as aforesaid all or any part of the amount of principal money repaid or to be repaid, and so from time to time as all or any part of any principal money for the time being secured under this Act may require to be repaid; but the amount to be secured by new securities shall not in any case exceed the principal money required to be repaid.

6. The Treasury may guarantee Payment of Money borrowed.] It shall be lawful for the Commissioners of her Majesty's Treasury to guarantee the payment of the principal and interest of any money borrowed under this Act; and all bonds, debentures, and securities issued under this Act, the payment of the principal and interest secured whereby is intended to be so guaranteed, shall be signed by such officer as the Commissioners of her Majesty's Treasury may in this behalf from time to time appoint.

7. Securities transferable by Delivery.] All bonds, debentures, and securities issued under the authority of this Act, and all right to and in respect of the principal moneys secured thereby, and all interest due and accruing thereon, shall be transferable by the delivery of such bonds, debentures, and securities respectively.

8. Money borrowed under this Act to be applied only to Works under this Act.] The Metropolitan Board of Works shall cause a separate account to be kept of the money borrowed by such board under this Act, and all such money, except money borrowed for repayments as heretofore provided, shall be applied in payment of the expenses of and incidental to the works to be executed under this Act, and to no other purpose; and the auditor appointed by the Secretary of State shall, upon his audit of the accounts of the said board in every year, cause a separate abstract and statement to be prepared of the receipt and expenditure of the said board under this Act, which shall be laid before Parliament as directed concerning his other abstracts and statements.

9. Appointment of Inspecting Engineers.] It shall be lawful for the Commissioners of her Majesty's Treasury from time to time to appoint an engineer or engineers to inspect the works to be constructed under this Act, and to report to such Commissioners in relation to the expenditure thereon; and such engineer or engineers shall have full power and authority at all reasonable times to enter upon such works, and survey and

inspect the same, and to inspect the accounts of the said Metropolitan Board in relation thereto, for the purpose of reporting as aforesaid.

10. *Metropolitan Board of Works to levy a Rate of Three-pence in the Pound on the Property in the Metropolis.* The Metropolitan Board of Works shall during forty years from the time of the passing of this Act assess and cause to be raised in each year, upon the city of London and the other parts of the metropolis, for the purposes of this Act, such sums as, in their judgment, will be equivalent to a rate of threepence in the pound upon the annual value of the property in the said city and other parts respectively, estimated according to the estimate or basis on which the county rate is assessed, or according to a like estimate; and the sums to be so assessed in each year may be assessed at one time or at several times, as the said board may think fit.

11. *Such Rate to be called the Metropolis Main Drainage Rate.* In the assessments of the said Metropolitan Board under this Act, and in their precepts, and in the orders of vestries and district boards to be made in respect of such assessments, such sums shall be distinguished as being assessed for "the Metropolis Main Drainage Rate," and all such sums assessed upon the city of London shall be reimbursed to the Chamberlain of the said city by means of a separate rate to be called "the Metropolis Main Drainage Rate," to be levied under the direction of the Commissioners of Sewers of the said city, in like manner and subject to the like provisions as any rate which such Commissioners are authorised to direct to be made under any Act relating to the sewerage of the said city, and all such sums assessed on other parts of the metropolis shall be levied by means of a separate rate to be called "the Metropolis Main Drainage Rate," in like manner and subject to the like provision as the sewers rate to be made under the said Act of the 18 & 19 Vict., and the assessments of the said Metropolitan Board under this Act shall include the places mentioned in schedule (C.) to the said Act of the 18 & 19 Vict., and the sums to be assessed thereon shall be raised by means of rates to be made and levied as therein provided in respect of the raising of moneys assessed by the said board.

12. *All Parts of the Metropolis to be deemed to be equally benefited.* For the purposes of the assessments under this Act, all the parts of the metropolis shall be deemed to be equally benefited by the expenditure under this Act.

13. *Assessments and Precepts may be according to Form in Schedule.* The assessments to be made by the Metropolitan Board of Works, and the precepts for obtaining payment of any moneys assessed thereby, may be according to the forms contained in the schedule to this Act or to the like effect.

14. *Provisions applicable to other Assessments of the Metropolitan Board to be extended to Assessments under this Act.* All the provisions of the said Act concerning the estimate on which assessments by the said Metropolitan Board shall be made, and for and in relation to the assessing, raising, and enforcing payment of the sums assessed by the said board, shall, subject to the provisions of this Act, extend and apply to and in the case of all sums to be assessed by the said board under this Act; provided that the Metropolis Main Drainage Rate, and the sums assessed or raised for or in respect thereof, shall not be subject to any mortgage or security made or to be made by the Metropolitan Board of Works, other than securities under this Act; but, save as aforesaid, the powers of borrowing and of assessing and rating vested in the said board before the passing of this Act shall not be prejudiced or affected by this Act.

15. *Rates to be made by Metropolitan Board on default of Vestries, &c., in Payment of Precepts.* The said Metropolitan Board may, in case of any default or neglect of any vestry, district board, or other body or person to pay the amount required by any precept of the said Board, or any part of such amount, within such time and in such manner as may be mentioned in such precept in that behalf, raise and levy the money required by the said board for the purposes of this Act in any parish, district, or part, and for that purpose may make and levy a rate of such amount in the pound on the annual value of the property rateable as will, in their judgment, having regard to all circumstances, be sufficient to raise the money so required as aforesaid; and such rate shall be levied on the persons and in respect of the property by law rateable to the relief of the poor in such parish, district, or part, subject to the provisions in the said Act of the 18 & 19 Vict. contained concerning the levying of moneys by overseers in pursuance of orders made upon them by vestries under the said Act, and shall be assessed upon the net

annual value of such property ascertained by the rate for the time being for the relief of the poor; and the said board may appoint one or more collectors for levying any such rate, and pay him or them any salary, poundage, or allowance in respect of their employment under this enactment, which such board may deem just and reasonable, and shall take such security from every such collector for the due execution of his duty as they shall think reasonable and proper; and the said board, and the collector or collectors to be appointed by them, shall have the same powers, remedies, and privileges as for levying money for the relief of the poor; and all such rates shall be allowed in the same manner, and be subject to the same provisions in relation to appeal and to excusing persons from payment on account of poverty and otherwise, as the rate for the relief of the poor; and all the expenses of and incidental to the preparing, making, collecting, and levying any such rate shall be raised and levied by the said Metropolitan Board in addition to, but as part of, the said rate; and after deduction by the said board of the expenses, all moneys levied or received under or in respect of the said rate shall be paid by the said board into the Bank of England, to the same account, and for the same purposes, as hereinafter mentioned concerning moneys payable under the precepts of the said board in respect of the Metropolis Main Drainage Rate; provided also, that the provisions of sects. 163, 164, and 169 of the said Act of the 18 & 19 Vict. shall be applicable to every rate under this Act.

16. *Extension of Provisions as to Inspection, &c., of County Rates to other Rates and Taxes.* The provisions of s. 171 of the said Act of the 18 & 19 Vict., for enabling the clerk or other person or persons authorised by the Metropolitan Board of Works to inspect, or take copies of or extracts from, county rates, bases, returns, and other documents, and the penalties by the said enactment prescribed in the case of neglect or refusal to permit any such clerk or person to inspect or to take copies or extracts, are hereby extended and made applicable to all other rates and assessments, whether parochial or otherwise, within the several parts of the metropolis, and the books in which the same are contained, and the valuations and returns relating thereto, and the person or persons having the custody or control thereof.

17. *Metropolitan Board may require to be furnished with Copies of Poor Rates.* It shall be lawful for the said board, by order in writing, to require the vestry clerk, overseer, collector, or other person having the custody or control of any rate for the relief of the poor in any parish or place, to furnish within such period, not being less than seven days, as shall be limited in such order, or of such part or parts of the said rate as shall be specified in such order, on payment or tender for such copy at the rate of sixpence for every twenty-four names (inclusive of all the particulars in the several columns of the rate, so far as such particulars have reference to such names respectively); and the said copy shall be examined by, and signed by, such vestry clerk, overseer, collector, or other person, and shall be verified by his solemn declaration, if the said board shall require the same, which solemn declaration any justice of the peace, or commissioner duly authorised, is hereby authorised to administer; and any person having the custody or control of such rate who shall refuse or neglect to make and deliver to the said board, or any person by them authorised to receive the same, such copy or extract, or to make such solemn declaration as aforesaid, shall be liable to a penalty not exceeding 10*l.* for every such offence, and to a further continuing penalty of 10*l.* for each and every day during which the said offence shall be continued.

18. *Moneys arising from the Rate to be paid into a separate Account in the Bank of England.* An account shall be opened in the books of the Governor and Company of the Bank of England for the purposes of this Act, in the names of such officers or persons as the Commissioners of her Majesty's Treasury may direct, and such account shall be deemed a public account, and all the moneys payable under the precepts of the Metropolitan Board of Works in respect of the Metropolis Main Drainage Rate shall be paid into the Bank of England to such account, and the dividends and income arising from the investments of any such moneys under this Act, and the produce of the sale from time to time of such investments, and all moneys borrowed for repayment, until applied for that purpose, shall be paid into the Bank of England to the said account.

19. *Application of Moneys paid into the Bank of England.* All moneys paid to the credit of the said account shall be from time to time applied in payment of the interest of the moneys borrowed under this Act, and subject thereto in or towards payment of any moneys so borrowed which for the time being

may be payable on the purchase of bonds, debentures, or securities whereby any such moneys are secured for the purpose of the extinction thereof, and any surplus after discharging the purposes aforesaid shall be invested in Government securities in such manner as the Commissioners of the Treasury may think fit and direct, and such investments shall be sold when and as the said Commissioners of the Treasury may direct.

30. *Moneys raised by Loans may be applied in lieu of Money to be raised by Loan.]* Provided always, That the Commissioners of her Majesty's Treasury may authorise any money standing to the credit of the said account in the Bank of England, not exceeding in the whole the amount remaining to be raised of the said sum of £2,000,000 to be paid to the Metropolitan Board of Works, to be applied as any money to be raised by loan under this Act is applicable in such case the amount which would otherwise have remained payable under this Act shall be reduced by the sum or sums so authorised to be paid to the Metropolitan Board of Works as aforesaid.

31. *Payment in pursuance of Guarantee.]* For the purpose of giving effect to such guarantee as herein provided, it shall be lawful for the Commissioners of her Majesty's Treasury to cause to be raised out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, such sums as may be necessary for payment of such principal and interest as may from time to time be payable in all of any other moneys applicable for that purpose under this Act; and in any case any principal or interest payable under this Act shall be paid out of the said Consolidated Fund, such Commissioners shall cause any money so paid to be repaid to the said Consolidated Fund out of any moneys which may have arisen or may arise from the rates levied under this Act on the investment thereof.

32. *The Rates under this Act may be determined when the Rates levied thereunder.]* If the whole amount payable under this Act shall have been raised and paid off by means of the rates levied under this Act before the expiration of the said period of forty years, the Metropolitan Board of Works, with the consent of the Commissioners of her Majesty's Treasury, shall discontinue the assessment for the Metropolitan Main Drainage Rates, and any surplus of the moneys arising from the rates levied under this Act which may remain after such payment shall be applicable towards defraying the expenses of the said Board.

33. *Metropolitan Board to provide for Sewage, and to levy Rates for the same.]* 18 & 19 Vict. 120.] The Metropolitan Board of Works, in the meantime, and until the Works required by this Act for the purification of the River Thames are completed, may do all such works and apply all such means as they may deem proper for doing such such sewage, or otherwise protecting the public health from any injurious consequences hereof, and may defray the expenses incurred for this purpose in the expenses incurred by the said Board under the said Act of the 18 & 19 Vict. 120. and may direct by what means they shall think fit to defray the same.

34. *Power to execute Works in the Act to create a Nuisance.]* The said Metropolitan Board shall cause all works to be executed under this Act to be constructed and kept so as not to be a nuisance, and shall, in doing so, any sewage, and in disposing of any sewage or refuse from sewers, not in such manner as not to create a nuisance, but so as to do so as to be a nuisance.

35. *Estimates respecting the application of the Commissioners of Works, &c. repealed.]* Sect. 136 of the said Act, and so much of sect. 144 of the said Act as provides, "that before the Metropolitan Board of Works commences any such works, the estimated expense thereof shall exceed £50,000, the plan of such works, together with an estimate of the cost of carrying the same into execution, shall be submitted by such Board to the Commissioners of her Majesty's Works and Public Buildings, and to such plan shall be carried into effect until the same has been approved by such Commissioners, and to such works shall be commenced, in cases where the estimated expense thereof shall exceed the sum of £100,000, without the previous sanction of Parliament," shall be repealed.

36. *Time for Completion of Works extended to End of 1863.]* The time limited by sect. 135 of the said Act of the 18 & 19 Vict. for the completion of the sewers and works necessary for preventing the sewage of the metropolis from passing into the River Thames, in or near the metropolis, shall be extended to the 31st of December, 1863.

37. *Works not to be approved of by the Admiralty.]* No works upon the bed or shores of the said River Thames below high-water mark which may interfere with the navigation of that

river shall at any time be commenced or executed under the provisions of this Act without the same having been previously approved of by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral, such approval to be from time to time specified in writing under the hand of the Secretary to the Admiralty.

38. *Works upon Shores of the River Thames to be approved by the Conservators of the River Thames.]* In order to preserve the navigation of the River Thames, the plans of any work to be constructed under the authority of this Act upon the banks, bed, or shore of the River Thames, which may interfere with the free navigation of the said river, shall be approved by the conservators of the River Thames, in writing signed by their secretary, before such works are commenced, certifying that the works according to such plans will not interfere with the navigation of the River Thames.

39. *Saving Rights of the Conservators of the River Thames.]* Nothing in this Act contained shall extend, or be construed to extend, to prejudice or derogate from the rights of the conservators of the River Thames, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of the passing of this Act the said conservators did or might lawfully claim, use, or exercise so far as such rights, power, authority, or jurisdiction may be exercised for preserving the free navigation of the River Thames.

40. *Regulation of Works under or over the River Lea.]* No works under or over the main navigable channel of the River Lea shall at any time be commenced or executed under the provisions of this Act without leaving the top of any work under the navigation not less than twelve feet below high water, Trinity standard, and for any work over any part of the navigation without leaving the bottom of such work not less than eight feet six inches above high water, Trinity standard, with a clear span over the said river, inclusive of the towing-path thereof, of not less than fifty feet; provided that it shall be lawful for the trustees of the River Lea, by writing under their common seal, on the application of the Metropolitan Board of Works, to consent to an alteration or variation of the said dimensions, or either of them.

41. *On Complaint of Nuisance committed in execution of Works, Secretary of State may order Prosecution.]* It shall be lawful for one of her Majesty's principal Secretaries of State, at his discretion, on representation, or complaint made to him of any nuisance committed in execution of any works, or in declaring any sewage, or in disposing of any sewage or refuse from sewers, or in any other manner under this Act, to cause inquiry to be made into the matter represented or complained of to him, and to direct such prosecution or prosecutions, or to take such other proceedings as he may think fit, in order to insure the prevention or abatement of such nuisance as aforesaid.

42. *On Complaint of Nuisance committed in execution of this Act the expression "decayed" shall be deemed to include any process whereby the solid suspended matters in sewage may be precipitated or separated from the liquid before the discharge thereof, or whereby the noxious or offensive properties of sewage may be neutralised, and the expression "sewage" shall mean and include the contents of the sewers before the employment of such process.*

43. *Revised Act and this Act to be read together.]* The said Act of the 18 & 19 Vict. and this Act shall be read together as one Act.

44. *City of London to be bound by the Act.]* The said Act of the 18 & 19 Vict. shall be read together as one Act.

45. *Form of Assent by Metropolitan Board of Works.]* An assent by the Metropolitan Board of Works in exercise of the powers vested in such Board by the Act of the 19th year of Queen Victoria, for the better local management of the metropolis, and by the other Acts for amending the same, upon the City of London and the other parts of the metropolis, for the Metropolitan Main Drainage Rates, of the same herein specified, such sums being, in the judgment of the said Board, equivalent to a rate of threepence in the pound upon the rental value of the property in the said city and other parts respectively, estimated according to the estimate or basis on which the county rate is assessed, or according to a like estimate.

46. *Form of Assent by Metropolitan Board of Works.]* The assent of the Metropolitan Board of Works to the said Act of the 19th year of Queen Victoria, for the better local management of the metropolis, and by the other Acts for amending the same, upon the City of London and the other parts of the metropolis, for the Metropolitan Main Drainage Rates, of the same herein specified, such sums being, in the judgment of the said Board, equivalent to a rate of threepence in the pound upon the rental value of the property in the said city and other parts respectively, estimated according to the estimate or basis on which the county rate is assessed, or according to a like estimate.

47. *Form of Assent by Metropolitan Board of Works.]* The assent of the Metropolitan Board of Works to the said Act of the 19th year of Queen Victoria, for the better local management of the metropolis, and by the other Acts for amending the same, upon the City of London and the other parts of the metropolis, for the Metropolitan Main Drainage Rates, of the same herein specified, such sums being, in the judgment of the said Board, equivalent to a rate of threepence in the pound upon the rental value of the property in the said city and other parts respectively, estimated according to the estimate or basis on which the county rate is assessed, or according to a like estimate.

better local management of the metropolis, and the several Acts amending the same, the Metropolitan Board of Works do issue this their precept, under their common seal, to you the said vestry, and do hereby require you to pay, on or before the — day of —, into the Bank of England, to the credit of the account standing in the books of the Governor and Company of the said Bank in the names of —, the same being persons duly appointed by the Commissioners of her Majesty's Treasury in this behalf, the sum of — assessed by the said board upon the said parish for the "metropolis main drainage rate."

Dated this — day of —. (L.S.)

CAP. CV.

An Act to amend an Act of the Thirteenth and Fourteenth Years of her present Majesty, to amend the Laws concerning Judgments in Ireland. [2nd August, 1858.]

CAP. CVI.

An Act for the better Government of India. [2nd August, 1858.]

WHEREAS, by an Act of the 16th & 17th Vict. c. 95, "To provide for the Government of India," the territories in the possession and under the government of the East India Company were continued under such government in trust for her Majesty, until Parliament should otherwise provide, subject to the provisions of that Act and of other Acts of Parliament, and the property and rights in the said Act referred to are held by the said Company in trust for her Majesty for the purposes of the said government: And whereas it is expedient that the said territories should be governed by and in the name of her Majesty: Be it therefore enacted &c. as follows; that is to say,

Transfer of the Government of India to her Majesty.

1. Territories under the Government of the East India Company to be vested in her Majesty, and Powers to be exercised in her Name.] The government of the territories now in the possession or under the government of the East India Company, and all powers in relation to government vested in or exercised by the said Company in trust for her Majesty, shall cease to be vested in or exercised by the said Company, and all territories in the possession or under the government of the said Company, and all rights vested in, or which, if this Act had not been passed might have been exercised by, the said Company in relation to any territories, shall become vested in her Majesty, and be exercised in her name; and for the purposes of this Act India shall mean the territories vested in her Majesty as aforesaid, and all territories which may become vested in her Majesty by virtue of any such rights as aforesaid.

2. India to be governed by and in the Name of her Majesty.] India shall be governed by and in the name of her Majesty, and all rights in relation to any territories which might have been exercised by the said Company if this Act had not been passed shall and may be exercised by and in the name of her Majesty as rights incidental to the government of India; and all the territorial and other revenues of or arising in India, and all tributes and other payments in respect of any territories which would have been receivable by or in the name of the said Company if this Act had not been passed, shall be received for and in the name of her Majesty, and shall be applied and disposed of for the purposes of the government of India alone, subject to the provisions of this Act.

3. Secretary of State to exercise Powers now exercised by the Company or Board of Control.—As to Warrants, &c., required to be countersigned by 17 & 18 Vict. c. 77.] Save as herein otherwise provided, one of her Majesty's principal Secretaries of State shall have and perform all such or the like powers and duties in anywise relating to the government or revenues of India, and all such or the like powers over all officers appointed or continued under this Act, as might or should have been exercised or performed by the East India Company, or by the court of directors or court of proprietors of the said company, either alone or by the direction or with the sanction or approbation of the commissioners for the affairs of India in relation to such government or revenues, and the officers and servants of the said company respectively, and also all such powers as might have been exercised by the said commissioners alone; and any warrant or writing under her Majesty's royal sign manual, which by the Act of the session holden in the 17th & 18th Vict. c. 77, or otherwise, is required to be countersigned by the president of the commissioners for the affairs of India, shall in lieu of being so countersigned be countersigned by one of her Majesty's principal Secretaries of State.

4. Four Principal and four Under Secretaries of State may sit as Members in the House of Commons.] After the commencement of this Act any four of her Majesty's principal Secretaries of State for the time being, and any four of the under secretaries for the time being to her Majesty's principal Secretaries

of State, may sit and vote as members of the House of Commons, but not more than four such principal secretaries and not more than four such under secretaries shall sit as members of the House of Commons at the same time.

5. If President of Board of Control is appointed Secretary of State, his Seat in the House of Commons not to be vacated.] In case the person who immediately before the commencement of this Act is the president of the commissioners for the affairs of India be appointed, upon or within one month after the commencement of this Act, one of her Majesty's principal Secretaries of State, and be at the time of such appointment a member of the House of Commons, he shall not by reason of such appointment vacate his seat in Parliament.

6. Salaries of one Secretary of State and his Under Secretaries to be paid out of the Revenue of India.] In case her Majesty be pleased to appoint a fifth principal Secretary of State, there shall be paid out of the revenues of India to such principal Secretary of State and to his under secretaries respectively the like yearly salaries as may for the time being be paid to any other of such Secretaries of State and his under secretaries respectively.

Council of India.

7. Council of India established.] For the purposes of this Act a council shall be established, to consist of fifteen members, and to be styled the Council of India; and henceforth the council in India now bearing that name shall be styled the Council of the Governor General of India.

8. First Members of the Council.] Within fourteen days after the passing of this Act the Court of Directors of the East India Company shall, from among the persons then being directors of the said company or having been theretofore such directors, elect seven persons to be with the persons to be appointed by her Majesty as hereinafter mentioned the first members of the council under this Act, and the names of the persons so elected by the Court of Directors shall be forthwith, after such election, certified to the Board of Commissioners for the Affairs of India, under the seal of the said company; and it shall be lawful for her Majesty, by warrant under her royal sign manual, within thirty days after the passing of this Act, to appoint to be members of such council eight persons: Provided always, that if the Court of Directors of the East India Company shall refuse or shall for such fourteen days neglect to make such election of such seven persons, and to certify the names of such persons as aforesaid, it shall be lawful for her Majesty, by warrant under her royal sign manual, within thirty days after the expiration of such fourteen days, to appoint from among the said directors seven persons to make up the full number of the said council: Provided also, that if any person being or having been such director, and elected or appointed as aforesaid, shall refuse to accept the office, it shall be lawful for her Majesty, by warrant under her royal sign manual, to appoint in the place of every person so refusing some other person to be a member of the council, but so that nine members of the council at the least shall be persons qualified as hereinafter mentioned.

9. Vacancies in the Council how to be filled up.] Every vacancy happening from time to time among the members of the council appointed by her Majesty, not being members so appointed by reason of the refusal or neglect of the Court of Directors or the refusal to accept office hereinbefore mentioned, shall be filled up by her Majesty, by warrant under her royal sign manual, and every other vacancy shall be filled up by the council by election made at a meeting to be held for that purpose.

10. The major Part of the Council, with certain Exceptions, to be Persons who shall have served or resided ten Years in India.] The major part of the persons to be elected by the Court of Directors, and the major part of the persons to be first appointed by her Majesty after the passing of this Act to be members of the council, shall be persons who shall have served or resided in India for ten years at the least, and (excepting in the case of late and present directors and officers on the home establishment of the East India Company who shall have so served or resided) shall not have last left India more than ten years next preceding the date of their appointment; and no person other than a person so qualified shall be appointed or elected to fill any vacancy in the council unless at the time of the appointment or election nine at the least of the continuing members of the council be persons qualified as aforesaid.

11. Tenure of Office of Members of the Council.] Every member of the council appointed or elected under this Act shall hold his office during good behaviour; provided that it shall be lawful for her Majesty to remove any such member from his office upon an address of both Houses of Parliament.

12. *Members of Council not to sit in Parliament.*] No member of the council appointed or elected under this Act shall be capable of sitting or voting in Parliament.

13. *Salaries of Members of Council.*] There shall be paid to each member of the council the yearly salary of £1200, out of the revenues of India.

14. *As to Retiring Pensions, &c.*] Any member of the council may, by writing under his hand, which shall be recorded in the minutes of the council, resign his office, and it shall be lawful for her Majesty, by warrant under her royal sign manual, countersigned by the Chancellor of the Exchequer, to grant to any person who, having held the office of member of the council for the period of ten years or upwards, shall so resign by reason of infirmity disabling him from a due execution of the duties of the office, a retiring pension during life of £500: Provided, that if at any time hereafter it should appear to Parliament expedient to reduce the number or otherwise deal with the constitution of the said council, no member of council who has not served in his office for a period of ten years shall be entitled to claim any compensation for the loss of his office, or for any alteration in the terms and conditions under which the same is held.

15. *Secretaries and Officers on the Home Establishment of Company to form the Establishment of the Secretary of State in Council.*—*Secretary of State to submit a Scheme for a permanent Establishment.*] The secretaries and other officers and servants on the home establishment of the said company, and on the establishment of the commissioners for the affairs of India, immediately before the commencement of this Act, shall on such commencement be and form the establishment of the Secretary of State in council; and the Secretary of State shall with all convenient speed make such arrangement of the said establishments, and such reductions therein, as may seem to him consistent with the due conduct of the public business, and shall within six months after the commencement of this Act submit a scheme for the permanent establishment to her Majesty in council; and it shall be lawful for her Majesty, by the advice of her Privy Council, upon consideration of such scheme, to fix and declare what shall constitute and be the establishment of the Secretary of State in Council, and what salaries shall be paid to the persons on the establishment, and the order of her Majesty in council shall be laid before both Houses of Parliament within fourteen days after the making thereof, provided Parliament be then sitting, or otherwise within fourteen days after the next meeting thereof; and after such establishment has been formed by such order in council no addition of persons shall be made to such establishment, nor any addition made to the salaries authorised by such order, except by a similar order in council, to be laid in like manner before both houses of Parliament.

16. *As to Removal of Officers and Supply of Vacancies after first Formation of Establishment.*] After the first formation of the establishment, it shall be lawful for the Secretary of State in Council to remove any officer or servant belonging thereto, and also to make all appointments and promotions to and in such establishment; provided that the order of her Majesty in council of the 21st day of May, 1855, or such other regulations as may be from time to time established by her Majesty for examinations, certificates, probation, or other tests of fitness, in relation to appointments to junior situations in the civil service, shall apply to such appointments on the said establishment.

17. *Compensations to Officers on Home Establishment of the Company and of Board of Control not retained on new Establishment.*] It shall be lawful for her Majesty, by warrant under her royal sign manual, countersigned by the Chancellor of the Exchequer, to grant to any secretary, officer, or servant on the home establishment of the said company, or on the establishment of the said commissioners, who in consequence of such reduction as aforesaid by the Secretary of State or under such order in council is not retained on the establishment of the Secretary of State in Council, any compensation, either by way of a gross or annual payment, as, having regard to the circumstances, may seem just.

18. *As to Superannuation to Officers.*] It shall be lawful for her Majesty, by warrant countersigned as aforesaid, to grant to any such secretary, officer, or servant as aforesaid, retained on such last-mentioned establishment, such compensation, superannuation, or retiring allowance on his ceasing to hold office as might have been granted to him if this Act had not been passed, and the transfer of any person to the service of the Secretary of State in council shall be deemed to be a continu-

ance of his previous appointment or employment, and shall not prejudice any claims which he might have had in respect of length of service if his service under the said company or commissioners had continued; and it shall be lawful for her Majesty, by warrant countersigned as aforesaid, to grant to any secretary, officer, or servant appointed on the said establishment after the first formation thereof such compensation, superannuation, or retiring allowance as, under the Act of the session holden in the 4th & 5th of Will. 4, c. 24, or any other Act for the time being in force concerning superannuations and other allowances to persons having held civil offices in the public service, may be granted to persons appointed on the establishment of one of her Majesty's principal Secretaries of State.

Duties and Procedure of the Council.

19. *Duties of the Council.*] The council shall, under the direction of the Secretary of State, and subject to the provisions of this Act, conduct the business transacted in the United Kingdom in relation to the government of India and the correspondence with India but every order or communication sent to India shall be signed by one of the principal Secretaries of State; and, save as expressly provided by this Act, every order in the United Kingdom in relation to the government of India under this Act shall be signed by such Secretary of State; and all despatches from Governments and Presidencies in India, and other despatches from India, which if this Act had not been passed should have been addressed to the Court of Directors or their secret committee, shall be addressed to such Secretary of State.

20. *Secretary of State to divide the Council into Committees, and to regulate the Transaction of Business.*] It shall be lawful for the Secretary of State to divide the council into committees for the more convenient transaction of business, and from time to time to re-arrange such committees, and to direct what departments of the business in relation to the Government of India under this Act shall be under such committees respectively, and generally to direct the manner in which all such business shall be transacted.

21. *President and Vice-President.*] The Secretary of State shall be the president of the council, with power to vote, and it shall be lawful for such Secretary of State in council to appoint from time to time any member of such council to be vice-president thereof, and any such vice-president may at any time be removed by the Secretary of State.

22. *Meetings of the Council.*] All powers by this Act required to be exercised by the Secretary of State in council, and all powers of the council, shall and may be exercised at meetings of such council, at which not less than five members shall be present, and at every meeting the Secretary of State, or in his absence the vice-president, if present, shall preside, and in the absence of the Secretary of State and vice-president, one of the members of the council present shall be chosen by the members present to preside at the meeting; and such council may act notwithstanding any vacancy therein: meetings of the council shall be convened and held when and as the Secretary of State shall from time to time direct; provided that one such meeting at least be held in every week.

23. *Procedure at Meetings.*] At any meeting of the council at which the Secretary of State is present, if there be a difference of opinion on any question other than the question of the election of a member of council, or other than any question with regard to which a majority of the votes at a meeting is herein-after declared to be necessary, the determination of the Secretary of State shall be final; and in case of an equality of votes at any meeting of the council, the Secretary of State, if present, and in his absence the vice-president, or presiding member, shall have a casting vote; and all acts done at any meeting of the council in the absence of the Secretary of State, except the election of a member of the council, shall require the sanction or approval in writing of the Secretary of State; and in case of difference of opinion on any question decided at any meeting, the Secretary of State may require that his opinion, and the reasons for the same, be entered in the minutes of the proceedings, and any member of the council who may have been present at the meeting may require that his opinion, and any reasons for the same that he may have stated at the meeting, be entered in like manner.

24. *Orders, &c., to be open to the Perusal of Members of Council, who may record their Opinions.*] Every order or communication proposed to be sent to India, and every order proposed to be made in the United Kingdom by the Secretary of State, under this Act, shall, unless the same has been submitted to a

meeting of the council, be placed in the council-room for the perusal of all members of the council, during seven days before the sending or making thereof, except in the cases hereinafter provided; and it shall be lawful for any member of the council to record in a minute book, to be kept for that purpose, his opinion with respect to each such order or communication, and a copy of every opinion so recorded shall be sent forthwith to the Secretary of State.

25. *Secretary of State acting against Opinions of the Majority to record his Reasons.*] If a majority of the council record as aforesaid their opinions against any act proposed to be done, the Secretary of State shall, if he do not defer to the opinions of the majority, record his reasons for acting in opposition thereto.

26. *Provision for Cases of Urgency.*] Provided, that, where it appears to the Secretary of State that the despatch of any communication, or the making of any order, not being an order for which a majority of the votes at a meeting is hereby made necessary, is urgently required, the communication may be sent or order given notwithstanding the same may not have been submitted to a meeting of the council or deposited for seven days as aforesaid, the urgent reasons for sending or making the same being recorded by the Secretary of State, and notice thereof being given to every member of the council, except in the cases hereinafter mentioned.

27. *Orders now sent through Secret Committee may be sent by Secretary of State without Communication with the Council.*] Provided also, that any order, not being an order for which a majority of votes at a meeting is hereby made necessary, which might, if this Act had not been passed, have been sent by the Commissioners for the Affairs of India through the secret committee of the Court of Directors to governments or presidencies in India, or to the officers or servants of the said company, may, after the commencement of this Act, be sent to such governments or presidencies, or to any officer or servant in India, by the Secretary of State, without having been submitted to a meeting or deposited for the perusal of the members of the council, and without the reasons being recorded or notice thereof given as aforesaid.

28. *As to Communication of Secret Despatches from India.*] Any despatches to Great Britain which might, if this Act had not been passed, have been addressed to the secret committee of the Court of Directors, may be marked "secret" by the authorities sending the same, and such despatches shall not be communicated to the members of the council, unless the Secretary of State shall so think fit and direct.

Appointments and Patronage.

29. *Appointments to be made by or with the Approbation of her Majesty.*] The appointments of Governor-General of India, fourth ordinary member of the Council of the Governor-General of India, and governors of presidencies in India, now made by the Court of Directors with the approbation of her Majesty, and the appointments of advocate-general for the several presidencies, now made with the approbation of the Commissioners for the Affairs of India, shall be made by her Majesty by warrant under her royal sign manual; the appointments of the ordinary members of the Council of the Governor-General of India, except the fourth ordinary member, and the appointments of the members of council of the several presidencies, shall be made by the Secretary of State in council, with the concurrence of a majority of members present at a meeting; the appointments of the lieutenant-governors of provinces or territories shall be made by the Governor-General of India, subject to the approbation of her Majesty; and all such appointments shall be subject to the qualifications now by law affecting such offices respectively.

30. *Appointments now made in India to continue to be made there.*] All appointments to offices, commands, and employments in India, and all promotions, which by law, or under any regulations, usage, or custom, are now made by any authority in India, shall continue to be made in India by the like authority, and subject to the qualifications, conditions, and restrictions now affecting such appointments respectively; but the Secretary of State in council, with the concurrence of a majority of members present at a meeting, shall have the like power to make regulations for the division and distribution of patronage and power of nomination among the several authorities in India, and the like power of restoring to their stations, offices, or employments, officers and servants suspended or removed by any authority in India as might have been exercised by the said Court of Directors, with the approbation of the Commissioners for the Affairs of India, if this Act had not been passed.

31. *Certain Sections of 16 & 17 Vict. c. 95, as to Appointment, &c., to the Civil Service repealed.*] Sects. 37, 38, 39, 40, 41, & 42, of the Act 16 & 17 Vict. c. 95, are hereby repealed, so far as the same apply to or provide for the admission or appointment of persons to the civil service of the East India Company.

32. *Secretary of State in Council to make Regulations for the Admission of Candidates to the Civil Service of India.*—*Regulations made by Secretary of State to be laid before Parliament.*] With all convenient speed after the passing of this Act, regulations shall be made by the Secretary of State in council, with the advice and assistance of the commissioners for the time being acting in execution of her Majesty's Order in Council of May 21, 1855, "for regulating the admission of persons to the civil service of the Crown," for admitting all persons, being natural-born subjects of her Majesty (and of such age and qualification as may be prescribed in this behalf), who may be desirous of becoming candidates for appointment to the civil service of India, to be examined as candidates accordingly, and for prescribing the branches of knowledge in which such candidates shall be examined, and generally for regulating and conducting such examinations under the superintendence of the said last-mentioned commissioners, or of the persons for the time being intrusted with the carrying out of such regulations as may be from time to time established by her Majesty for examination, certificate, or other test of fitness in relation to appointments to junior situations in the civil service of the Crown, and the candidates who may be certified by the said commissioners or other persons, as aforesaid, to be entitled under such regulations shall be recommended for appointment, according to the order of their proficiency, as shown by such examinations, and such persons only as shall have been so certified as aforesaid shall be appointed or admitted to the civil service of India, by the Secretary of State in council: Provided always that all regulations to be made by the said Secretary of State in council under this Act shall be laid before Parliament within fourteen days after the making thereof, if Parliament be sitting, and, if Parliament be not sitting, then within fourteen days after the next meeting thereof.

33. *Other Appointments and Admissions to Service vested in her Majesty.*] All appointments to cadetships, naval and military, and all admissions to service not herein otherwise expressly provided for, shall be vested in her Majesty; and the names of persons to be from time to time recommended for such cadetships and service shall be submitted to her Majesty by the Secretary of State.

34. *Regulations to be made for admitting Persons to be examined for Cadetships in Engineers and Artillery.*] With all convenient speed after the commencement of this Act, regulations shall be made for admitting any persons, being natural-born subjects of her Majesty (and of such age and qualifications as may be prescribed in this behalf), who may be desirous of becoming candidates for cadetships in the engineers and in the artillery, to be examined as candidates accordingly, and for prescribing the branches of knowledge in which such candidates shall be examined, and generally for regulating and conducting such examinations.

35. *Not less than one-tenth of Persons recommended for Military Cadetships to be selected from Sons of Persons who have served in India.*] Not less than one-tenth of the whole number of persons to be recommended in any year for military cadetships (other than cadetships in the engineers and artillery) shall be selected according to such regulations as the Secretary of State in council may from time to time make in this behalf from among the sons of persons who have served in India in the military or civil services of her Majesty or of the East India Company.

36. *Nominations for Cadetships to be made by Secretary of State and Members of Council.*] Except as aforesaid, all persons to be recommended for military cadetships shall be nominated by the Secretary of State and members of council, so that out of seventeen nominations the Secretary of State shall have two and each member of council shall have one; but no person so nominated shall be recommended unless the nomination be approved of by the Secretary of State in council.

37. *Regulations as to Appointments and Admissions to Service.*] Save as hereinbefore provided, all powers of making regulations in relation to appointments and admissions to service and other matters connected therewith, and of altering or revoking such regulations, which if this Act had not been passed might have been exercised by the Court of Directors or Commissioners for the Affairs of India, may be exercised by the Secretary of State in council, and all regulations in force at the time of the commencement of this Act in relation to the

matters aforesaid shall remain in force, subject nevertheless to alteration or revocation by the Secretary of State in council as aforesaid.

38. *As to Removal of Officers by her Majesty.* Any writing under the royal sign manual, removing or dismissing any person holding any office, employment, or commission, civil or military, in India, of which, if this Act had not been passed, a copy would have been required to be transmitted or delivered within eight days after being signed by her Majesty to the chairman or deputy chairman of the Court of Directors, shall, in lieu thereof, be communicated within the time aforesaid to the Secretary of State in council.

Transfer of Property.

39. *Real and Personal Property of the Company to vest in her Majesty for the Purposes of the Government of India.* All lands and hereditaments, monies, stores, goods, chattels, and other real and personal estate of the said company, subject to the debts and liabilities affecting the same respectively, and the benefit of all contracts, covenants, and engagements, and all rights to fines, penalties, and forfeitures, and all other emoluments which the said company shall be seized or possessed of, or entitled to at the time of the commencement of this Act, except the capital stock of the said company and the dividend thereon, shall become vested in her Majesty, to be applied and disposed of, subject to the provisions of this Act, for the purposes of the Government of India.

40. *Powers of Sale and Purchase, and to enter into Contracts, vested in Secretary of State in Council.* The Secretary of State in council, with the concurrence of a majority of votes at a meeting, shall have full power to sell and dispose of all real and personal estate whatsoever for the time being vested in her Majesty under this Act, as may be thought fit, or to raise money on any such real estate by way of mortgage, and make the proper assurances for that purpose, and to purchase and acquire any land or hereditaments, or any interests therein, stores, goods, chattels, and other property, and to enter into any contracts whatsoever, as may be thought fit, for the purposes of this Act; and all property so acquired shall vest in her Majesty for the service of the Government of India; and any conveyance or assurance of or concerning any real estate to be made by the authority of the Secretary of State in council may be made under the hands and seals of three members of the council.

Revenues.

41. *Expenditure of Revenues of India subject to Control of Secretary of State in Council.* The expenditure of the revenues of India, both in India and elsewhere, shall be subject to the control of the Secretary of State in council, and no grant or appropriation of any part of such revenues, or of any other property coming into the possession of the Secretary of State in council by virtue of this Act, shall be made without the concurrence of a majority of votes at a meeting of the council.

42. *Dividend on the Stock of the Company, and existing and future Debts, Liabilities, and Expenses, to be charged on Revenues of India.* The dividend on the capital stock of the said company secured by 8 & 4 Will. 4, c. 85, until the redemption thereof, and all the bond, debenture, and other debt of the said company in Great Britain, and all the territorial debt and all other debts of the said company, and all sums of money, costs, charges, and expenses, which if this Act had not been passed would after the time appointed for the commencement thereof have been payable by the said company out of the revenues of India, in respect or by reason of any treaties, covenants, contracts, grants, or liabilities then existing, and all expenses, debts, and liabilities which after the commencement of this Act shall be lawfully contracted and incurred on account of the Government of India, and all payments under this Act, shall be charged and chargeable upon the revenues of India alone, as the same would have been if this Act had not been passed, and such expenses, debts, liabilities, and payments as last aforesaid had been expenses, debts, and liabilities lawfully contracted and incurred by the said company, and such revenues shall not be applied to any other purpose whatsoever; and all other moneys vested in or arising or accruing from property or rights vested in her Majesty under this Act, or to be received or disposed of by the council under this Act, shall be applied in aid of such revenues. Provided always, that nothing herein contained shall lessen or prejudicially affect any security to which the said company, or any proprietor or creditor thereof, now is or may be entitled upon the fund called "The Security Fund of the India Company," and mentioned in the Act of the 3rd & 4th Will. 4, c. 85, s. 14.

43. *Revenues remitted to Great Britain, and Moneys arising in Great Britain, to be paid to Secretary of State in Council.* Such part of the revenues of India as shall be from time to time remitted to Great Britain, and all moneys of the said company in their treasury or under the care of their cashier, and all other moneys in Great Britain of the said company, or which would have been received by them in Great Britain if this Act had not been passed, and all moneys arising or accruing in Great Britain from any property or rights vested in her Majesty by this Act, or from the sale or disposition thereof, shall be paid to the Secretary of State in council, to be applied for the purposes of this Act; and all such moneys, except as hereinafter otherwise provided, shall be paid into the Bank of England, to the credit of an account to be opened by the governor and company of the Bank of England, to be intitled "The Account of the Secretary of State in Council of India;" and all moneys to be placed to the credit of such account under this Act shall be paid out upon drafts or orders signed by three members of the council, and countersigned by the Secretary of State or one of his under secretaries, and such account shall be a public account: Provided always, that the Secretary of State in council may cause to be kept, from time to time, under the care of their cashier, in an account to be kept at the Bank of England, such sum or sums of money as they may deem necessary for the payments now made out of money under the care of the cashier of the said company.

44. *Cash Balance of the Company at the Bank to be transferred to Secretary of State in Council.* Such amount of money as at the time of the commencement of this Act may be standing to the credit of the East India Company at the Bank of England shall be transferred by the governor and company of the Bank of England to the credit of the account to be opened in the name of the Secretary of State in council as aforesaid.

45. *Stock Account to be opened at the Bank.* There shall be raised in the books of the governor and company of the Bank of England such accounts as may be necessary in respect of any stock or stocks of government annuities, and all such accounts respectively shall be intitled "The Stock Account of the Secretary of State in Council of India," and every such account shall be a public account.

46. *Stock standing in the name of the Company transferred.* Such government stock or stocks as at the time of the commencement of this Act may be standing in the name of the East India Company in the books of the said governor and company shall be transferred by the chief cashier or the chief accountant of the said governor and company to the proper account or accounts to be raised as aforesaid.

47. *Power to grant Letter of Attorney for Sale, &c. of Stock and Receipt of Dividends.* The Secretary of State in council, by letter of attorney, executed by three members of the council, and countersigned by the Secretary of State or one of his under secretaries, may authorise all or any of the cashiers of the Bank of England to sell and transfer all or any part of the stock or stocks standing or that may thereafter stand in the books of the said bank to the several accounts of the Secretary of State in council, and to purchase and accept stock on the said accounts, and to receive the dividends due and to become due on the several stocks standing or that may thereafter stand on the said accounts, and by any writing signed by three members of the council, and countersigned as aforesaid, may direct the application of the moneys to be received in respect of such sales and dividends, but no stock shall be purchased or sold and transferred by any of the said cashiers under the authority of such general letter of attorney, except upon an order in writing directed to the said chief cashier and chief accountant from time to time, and duly signed and countersigned as aforesaid.

48. *Provision as to Exchequer Bills, Bonds, and other Securities.* All exchequer bills, exchequer bonds, or other government securities, or other securities, of whatsoever kind, not herein before referred to, which shall be held by the Governor and Company of the Bank of England in trust for or on account of the East India Company at the time of the commencement of this Act, shall thenceforward be held by the said governor and company in trust for and on account of the Secretary of State in council; and all such securities as aforesaid, and all such securities as may thereafter be lodged with the said governor and company by or on behalf of the Secretary of State in council, shall and may be disposed of and the proceeds thereof applied as may be authorised by order in writing signed by three members of the council, and countersigned by the Secretary of State or one of his under secretaries, and directed to the said chief cashier and chief accountant.

49. *Powers of borrowing vested in the Company transferred to Secretary of State in Council.*] All powers of issuing bonds, debentures, and other securities for money in Great Britain, which, if this Act had not been passed, might have been exercised by the said company, or the Court of Directors, under the direction and control of the Commissioners for the Affairs of India, or otherwise, shall and may be exercised by the Secretary of State in council, with the concurrence of a majority of votes at a meeting; and such securities as might have been issued under the seal of the said company shall be issued under the hands of three members of the council, and countersigned by the Secretary of State or one of his under secretaries.

50. *Provisions in force relating to Forgery to extend to Bonds, &c., issued by Secretary of State in Council.*] All provisions now in force in anywise relating to the offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East India bond, with intent to defraud, shall extend and be applicable to and in respect of any bond, debenture, or security issued by the Secretary of State in council of India under the authority of this Act.

51. *Present System of issuing Warrants for Payments to be continued.*] The regulations and practice now acted on by the Court of Directors on the issue of warrants or authorities for the payment of money shall be maintained and acted on by the Secretary of State in council of India under this Act until the same be altered by the authority of her Majesty in council: Provided, that where a warrant or authority for the payment of money passes through the Audit Department at the East India House before payment, it shall be countersigned by such officer or officers of that Audit Department as the Secretary of State in council may direct before payment shall be made; and that warrants or authorities which have heretofore been signed by two directors of the East India Company shall, after the commencement of this Act, be signed by three members of the Council of India.

52. *As to the Audit of Accounts in Great Britain.*] It shall be lawful for her Majesty, by warrant under her royal sign manual, countersigned by the Chancellor of the Exchequer, to appoint from time to time a fit person to be auditor of the accounts of the Secretary of State in council, and to authorise such auditor to appoint and remove from time to time such assistants as may be specified in such warrant; and every such auditor shall hold office during good behaviour; and there shall be paid to such auditor and assistants out of the revenues of India such respective salaries as her Majesty, by warrant as aforesaid countersigned as aforesaid, may direct; and such auditor shall examine and audit the accounts of the receipt, expenditure, and disposal in Great Britain of all moneys, stores, and property applicable for the purposes of this Act; and the Secretary of State in council shall by the officers and servants of the establishment produce and lay before such auditor from time to time all such accounts, accompanied by proper vouchers for the support of the same, and shall submit to his inspection all books, papers, and writings having relation thereto; and such auditor shall have power to examine all such officers and servants in Great Britain of the establishment as he may see fit in relation to such accounts, and the receipt, expenditure, or disposal of such moneys, stores, and property, and for that purpose, by writing under his hand, to summon before him any such officer or servant; and such auditor shall report from time to time to the Secretary of State in council his approval or disapproval of such accounts, with such remarks and observations in relation thereto as he may think fit, specially noting any case, if such there shall be, in which it shall appear to him that any money arising out of the revenues of India has been appropriated to other purposes than those of the Government of India to which alone they are declared to be applicable; and shall specify in detail in his reports all sums of money, stores, and property which ought to be accounted for, and are not brought into account or have not been appropriated, in conformity with the provisions of this Act, or have been expended or disposed of without due authority, and shall also specify any defects, inaccuracies, or irregularities which may appear in such accounts, or in the authorities, vouchers, or documents having relation thereto; and all such reports shall be laid before both Houses of Parliament by such auditor, together with the accounts of the year to which the same may relate.

53. *Accounts to be annually laid before Parliament.*] The Secretary of State in council shall, within the first fourteen days during which Parliament may be sitting next after the first day of May in every year, lay before both Houses of Parliament an account for the financial year preceeding that last completed of the annual produce of the revenues of India, distinguishing the

same under the respective heads thereof, at each of the several presidencies or governments, and of all the annual receipts and disbursements at home and abroad on account of the Government of India, distinguishing the same under the respective heads thereof, together with the latest estimate of the same for the last financial year, and also the amount of the debts chargeable on the revenues of India, with the rates of interest they respectively carry, and the annual amount of such interest, the state of the effects and credits at each presidency or government, and in England or elsewhere, applicable to the purposes of the government of India, according to the latest advices which have been received thereof, and also a list of the establishment of the Secretary of State in council, and the salaries and allowances payable in respect thereof; and if any new or increased salaries or pensions of fifty pounds a year or upwards have been granted or created within any year, the particulars thereof shall be specially stated and explained at the foot of the account of such year; and such account shall be accompanied by a statement prepared from detailed reports from each presidency and district in India in such form as shall best exhibit the moral and material progress and condition of India in each such presidency.

54. *When Order to commence Hostilities is sent to India, the Fact to be communicated to Parliament.*] When any order is sent to India directing the actual commencement of hostilities by her Majesty's forces in India, the fact of such order having been sent shall be communicated to both Houses of Parliament within three months after the sending of such order, if Parliament be sitting, unless such order shall have been in the meantime revoked or suspended, and if Parliament be not sitting at the end of such three months then within one month after the next meeting of Parliament.

55. *Except for repelling Invasion, the Revenues of India not applicable for any Military Operation beyond the Frontiers.*] Except for preventing or repelling actual invasion of her Majesty's Indian possessions, or under other sudden and urgent necessity, the revenues of India shall not, without the consent of both Houses of Parliament, be applicable to defray the expenses of any military operation carried on beyond the external frontiers of such possessions by her Majesty's forces charged upon such revenues.

Existing Establishments.

56. *Indian Military and Naval Forces to remain under existing Conditions of Service.*] The military and naval forces of the East India Company shall be deemed to be the Indian military and naval forces of her Majesty, and shall be under the same obligations to serve her Majesty as they would have been under to serve the said Company, and shall be liable to serve within the same territorial limits only, for the same terms only, and be entitled to the like pay, pensions, allowances, and privileges, and the like advantages as regards promotion and otherwise, as if they had continued in the service of the said Company: such forces, and all persons hereafter enlisting in or entering the same, shall continue and be subject to all Acts of Parliament, laws of the Governor-General of India in council, and articles of war, and all other laws, regulations, and provisions relating to the East India Company's military and naval forces respectively, as if her Majesty's Indian military and naval forces respectively had throughout such Acts, laws, articles, regulations, and provisions been mentioned or referred to, instead of such forces of the said Company; and the pay and expenses of and incident to her Majesty's Indian military and naval forces shall be defrayed out of the revenues of India.

57. *Provision for Persons hereafter entering her Majesty's Indian Forces.*] Provided, that it shall be lawful for her Majesty from time to time by Order in Council to alter or regulate the terms and conditions of service under which persons hereafter entering her Majesty's Indian forces shall be commissioned, enlisted, or entered to serve, and the forms of attestation and of the oath or declaration to be used and taken or made respectively on attesting persons to serve in her Majesty's Indian forces shall be such as her Majesty with regard to the European forces, and the Governor-General of India in council with regard to the native forces, shall from time to time direct: Provided, that every such Order in Council shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be sitting, and if Parliament be not sitting, then within fourteen days after the next meeting thereof.

58. *Officers, &c., in Employ of the Company at the Commencement of this Act to be deemed to hold Offices under her Majesty.*] All persons who at the time of the commencement of this Act

shall hold any offices, employments, or commissions whatever under the said company in India shall thenceforth be deemed to hold such offices, employments, and commissions under her Majesty as if they had been appointed under this Act, and shall be paid out of the revenues of India; and the transfer of any person to the service of her Majesty shall be deemed to be a continuance of his previous service, and shall not prejudice any claims to pension, or any claims on the various annuity funds of the several presidencies in India, which he might have had if this Act had not been passed.

60. *All Orders of the Court of Directors or Board of Control given before Commencement of this Act to remain in force.* All orders, regulations, and directions lawfully given or made before the commencement of this Act by the Court of Directors or by the Commissioners for the Affairs of India shall remain in force; but the same shall, from and after the commencement of this Act, be deemed to be the orders, regulations, and directions under this Act, and take effect and be construed and be subject to alteration or revocation accordingly.

60. *Cease of Appointments and Functions of Directors, &c.* All functions and powers of Courts of Proprietors and Courts of Directors of the said company in relation to the government of India, and all appointments of such of the directors of the said company as have been appointed by her Majesty, shall cease, and the yearly sums payable to the chairman, deputy chairman, and other directors of the said company shall cease to be payable, and all powers vested in her Majesty of appointing directors of the said company shall cease and determine.

61. *Board of Control abolished.* The appointments and powers of appointment of Commissioners for the Affairs of India shall cease and determine.

62. *Records, &c., of the Company to be delivered into the Care of Secretary of State in Council.* All books, records, and archives of the said company, except such books and documents as concern the ownership of shares in the capital stock of the said company, and the payments to the proprietors of such capital stock of their respective shares of the dividend thereon, shall be delivered into the care and custody of the Secretary of State in council as they may direct.

63. *A Person succeeding to the Office of Governor-General may exercise his Powers before he takes his Seat in Council.* In case the person who shall be entitled under any provisional appointment to succeed to the office of Governor-General of India upon a vacancy therein, or who shall be appointed absolutely to assume that office, shall be in India (upon or after the happening of the vacancy, or upon or after the receipt of such absolute appointment, as the case may require), but shall be absent from Fort William in Bengal, or from the place where the council of the Governor-General of India may then be, and it shall appear to him necessary to exercise the powers of Governor-General before he shall have taken his seat in council, it shall be lawful for him to make known by proclamation his appointment, and his intention to assume the said office of Governor-General; and after such proclamation, and thenceforth until he shall repair to Fort William or the place where the council may assemble, it shall be lawful for him to exercise alone all or any of the powers which might be exercised by the Governor-General in council, except the power of making laws and regulations; and all acts done in the exercise of the said powers, except as aforesaid, shall be of the same force and effect as if they had been done by the Governor-General in council; Provided that all acts done in the said council after the date of such proclamation, but before the communication thereof to such council, shall be valid, subject nevertheless to revocation or alteration by the person who shall have so assumed the said office of Governor-General; and when the office of Governor-General is assumed under the foregoing provision, if there be at any time before the Governor-General takes his seat in council no vice-president of the council authorised to preside at meetings for making laws and regulations (as provided by s. 22 of the Act of the 16th & 17th Vict.), the senior ordinary member of council then present shall preside therein, with the same powers as if a vice-president had been appointed and were absent.

Continuance of existing Enactments.

64. *Existing Provisions to be applicable to Secretary of State in Council, &c.* All Acts and provisions now in force under charter or otherwise concerning India shall, subject to the provisions of this Act, continue in force, and be construed as referring to the Secretary of State in council in the place of the said company and the Court of Directors and Court of Proprietors thereof, and all enactments applicable to the officers and

servants of the said company in India, and to appointments to office or admissions to service by the said Court of Directors, shall, subject to the provisions of this Act, remain applicable to the officers and servants continued and to the officers and servants appointed or employed in India, and to appointments to office and admissions to service under the authority of this Act.

Actions and Contracts.

65. *Secretary of State in Council may sue and be sued.* The Secretary of State in council shall and may sue and be sued, as well in India as in England by the name of the Secretary of State in council as a body corporate; and all persons and bodies politic shall and may have and take the same suits, remedies, and proceedings, legal and equitable, against the Secretary of State in council of India as they could have done against the said company; and the property and effects hereby vested in her Majesty for the purposes of the Government of India, or acquired for the said purposes, shall be subject and liable to the same judgments and executions as they would while vested in the said company have been liable to in respect of debts and liabilities lawfully contracted and incurred by the said company.

66. *Secretary of State in Council to come in the Place of the Company with regard to pending Suits, &c.* The Secretary of State in council shall, with respect to all actions, suits, and all proceedings by or against the said company pending at the time of the commencement of this Act, come in the place of the said company, and that without the necessity of substituting the name of the Secretary of State in council for that of the said company.

67. *Treaties to be binding on her Majesty, and Contracts, &c., of Company may be enforced, &c.* All treaties made by the said company shall be binding on her Majesty, and all contracts, covenants, liabilities, and engagements of the said company made, incurred, or entered into before the commencement of this Act may be enforced by and against the Secretary of State in council in like manner and in the same courts as they might have been by and against the said company if this Act had not been passed.

68. *Members of Council not personally liable.* Neither the Secretary of State nor any member of the council shall be personally liable in respect of any such contract, covenant, or engagement of the said company as aforesaid, or in respect of any contract entered into under the authority of this Act, or other liability of the said Secretary of State or Secretary of State in council in their official capacity; but all such liabilities and all costs and damages in respect thereof, shall be satisfied and paid out of the revenues of India.

69. *The Directors elected by General Court of Company, alone to be the Directors of the Company.—Provision as to Reduction of Number of Directors.* After the commencement of this Act such of the directors as have been elected by the general court of the said company, or who shall from time to time be so elected, shall be the directors of the said company, and the major part of such directors for the time being shall form a court of directors; and where the presence, signature, consent, or concurrence of ten directors is now requisite, the presence, signature, consent, or concurrence of the major part of the directors for the time being shall be sufficient; and to the intent that the number of directors may be reduced to six, two directors only shall be elected by the general court of the said company at each biennial election to fill the vacancies occasioned by the expiration of the term of office of directors; and so much of the said Act of the 16 & 17 Vict. as requires any of the directors to be persons who have resided ten years in India shall be repealed, and in the oath to be taken by a director of the said company, under s. 13 of the said Act, the words "in the administration of the government of India in trust for the Crown" shall be omitted.

70. *Quarterly Courts need not be summoned.* It shall no longer be obligatory on the directors to summon four general quarterly courts in every year as heretofore.

71. *Company not to be liable in respect of any Claim arising out of any Covenant, &c., made before the passing of this Act.* Except claims of mortgages of the security fund hereinbefore mentioned, the said company shall not, after the passing of this Act, be liable in respect of any claim, demand, or liability which has arisen or may hereafter arise out of any treaty, covenant, contract, grant, engagement, or fiduciary obligation made, incurred, or entered into by the said company before the passing of this Act, whether the said company would, but for this Act, have been bound to satisfy such claim, demand, or

liability out of the revenues of India, or in any other manner whatsoever.

Saving of certain Rights of the Company.

72. *As to Payment of Expenses of the Company in respect of their Capital Stock and Dividend.* It shall be lawful for the Secretary of State in council to pay to the said company out of the revenues of India such annual sum as her Majesty, by warrant under her royal sign manual, countersigned by the Chancellor of the Exchequer, may direct for defraying the expenses of and incident to the payment to the proprietors of the capital stock of the said company of their respective shares of the dividend on such stock, and of keeping the books of the said company for transfers, and otherwise in relation to such stock.

73. *Saving of the Rights of the Company in respect of their Dividend and Security Fund.* Nothing herein contained shall affect the preference secured by the said Act of the 3rd & 4th Will. 4 to the dividend on the capital stock of the said company or the right of the said company to demand the redemption of the said dividend secured by such Act; and all the provisions of the said Act concerning the security fund thereby created shall remain in force, save that when the approbation of the Commissioners for the Affairs of India is required in relation to the disposal of the said security fund, the approbation of the Secretary of State in council shall be required.

Commencement of the Act.

74. *Commencement of Act.* Save as herein otherwise provided, this Act shall commence and take effect on the expiration of thirty days after the day of the passing thereof.

75. *Provision as to Proceedings in India before the Act is proclaimed there.* This Act shall be proclaimed in the several presidencies and governments of India as soon as conveniently may be after such Act has been received by the Governor-General of India; and until such proclamation be made all acts, matters, and things done, ordered, directed, or authorised in India in the name of the East India Company, or otherwise in relation to the Government of India, shall be as valid and effectual as if this Act had not been passed.

CAP. CVII.

An Act to apply a Sum out of the Consolidated Fund, and the Surplus of Ways and Means to the Service of the Year One Thousand Eight Hundred and Fifty-eight, and to appropriate the Supplies granted in this Session of Parliament.

[2nd August, 1858.

CAP. CVIII.

An Act to amend the Act of the Twentieth and Twenty-first Victoria, Chapter Eighty-five.

[2nd August, 1858.

WHEREAS in the last session of Parliament an Act was passed, intitled "An Act to amend the Law relating to Divorce and Matrimonial Causes in England" [20 & 21 Vict. c. 85]: And whereas it is expedient to amend the same: Be it therefore enacted &c. as follows:

1. *The Judge Ordinary of the Court for Divorce and Matrimonial Causes may sit in Chambers.* It shall be lawful for the Judge Ordinary of the Court for Divorce and Matrimonial Causes for the time being to sit in chambers for the despatch of such part of the business of the said Court as can in the opinion of the said Judge Ordinary, with advantage to the suitors, be heard in chambers; and such sittings shall from time to time be appointed by the said judge ordinary.

2. *The Treasury to cause Chambers to be provided.* The Commissioners of her Majesty's Treasury shall from time to time provide chambers in which the said Judge Ordinary shall sit for the despatch of such business as aforesaid, and until such chambers are provided the said judge ordinary shall sit in chambers in any room which he may find convenient for the purpose.

3. *Powers of Judge when sitting in Chambers.* The said Judge Ordinary when so sitting in chambers shall have and exercise the same power and jurisdiction in respect of the business to be brought before him as if sitting in open court.

4. *The Registrars to do all Acts heretofore done by Surrogates.* The registrars of the Principal Registry of the Court of Probate shall be invested with and shall and may exercise with reference to proceedings in the Court for Divorce and Matrimonial Causes the same power and authority which surrogates of the official principal of the Court of Arches could or might before the passing of the 20 & 21 Vict. c. 77, have exercised in chambers with reference to proceedings in that court.

5. *Evidence on which Divorce obtained prior to 20 & 21 Vict. c. 85, may be used in support of Petition in the Court for Divorce and Matrimonial Causes.* In every cause in which a sentence of divorce and separation from bed, board, and mutual cohabitation has been given by a competent ecclesiastical court before the Act of the 20 & 21 Vict. c. 85, came into operation, the evidence in the case in which such sentence was pronounced in such ecclesiastical court may, whenever from the death of a witness or from any other cause it may appear to the court reasonable and proper, be received on the hearing of any petition which may be presented to the said Court for Divorce and Matrimonial Causes.

6. *Wives deserted by their Husbands may apply to the Judge for an Order to protect Property, &c., acquired by them.* Every wife deserted by her husband, whosoever resident in England, may, at any time after such desertion, apply to the said Judge Ordinary for an order to protect any money or property in England she may have acquired or may acquire by her own lawful industry, and any property she may have become possessed of or may become possessed of after such desertion, against her husband and his creditors, and any person claiming under him; and the Judge Ordinary shall exercise in respect of every such application all the powers conferred upon the Court for Divorce and Matrimonial Causes under the 20 & 21 Vict. c. 85, s. 21.

7. *Provisions respecting Property of Wife to extend to Property vested in her as Executrix, &c.* The provisions contained in this Act and in the said Act of the 20 & 21 Vict. c. 85, respecting the property of a wife who has obtained a decree for judicial separation or an order for protection, shall be deemed to extend to property to which such wife has become or shall become entitled as executrix, administratrix, or trustee since the sentence of separation or the commencement of the desertion (as the case may be); and the death of the testator or intestate shall be deemed to be the time when such wife became entitled as executrix or administratrix.

8. *Order for Protection of Earnings, &c., of Wife to be deemed valid.* In every case in which a wife shall under this Act or under the said Act of the 20 & 21 Vict. c. 85, have obtained an order to protect her earnings or property, or a decree for judicial separation, such order or decree shall, until reversed or discharged, so far as necessary for the protection of any person or corporation who shall deal with the wife, be deemed valid and effectual; and no discharge, variation, or reversal of such order or decree shall prejudice or affect any rights or remedies which any person would have had in case the same had not been so reversed, varied, or discharged, in respect of any debts, contracts, or acts of the wife incurred, entered into, or done between the times of the making such order or decree and of the discharge, variation, or reversal thereof; and property of or to which the wife is possessed or entitled for an estate in remainder or reversion at the date of the desertion or decree (as the case may be), shall be deemed to be included in the protection given by the order or decree.

9. *Order to state the Time at which the Desertion commenced.* Every order which shall be obtained by a wife under the said Act of the 20th & 21st Vict. c. 85, or under this Act, for the protection of her earnings or property, shall state the time at which the desertion in consequence whereof the order is made commenced; and the order shall, as regards all persons dealing with such wife in reliance thereon, be conclusive as to the time when such desertion commenced.

10. *Indemnity to Corporations, &c., making Payments under Orders afterwards reversed.* All persons and corporations, who shall, in reliance on any such order or decree as aforesaid, make any payment to, or permit any transfer or act to be made or done by, the wife who has obtained the same, shall, notwithstanding such order or decree may then have been discharged, reversed, or varied, or the separation of the wife from her husband may have ceased, or at some time since the making of the order or decree been discontinued, be protected and indemnified in the same way in all respects as if, at the time of such payment, transfer, or other act, such order or decree were valid and still subsisting without variation in full force and effect, and the separation of the wife from her husband had not ceased or been discontinued, unless at the time of such payment, transfer, or other act such persons or corporations had notice of the discharge, reversal, or variation of such order or decree, or of the cessation or discontinuance of such separation.

11. *Where alleged Adulterer a Co-Respondent Court may order him to be dismissed from the Suit.* In all cases now pending or hereafter to be commenced in which, on the petition

If a husband for a divorce, the alleged adulterer is made a co-respondent, or in which, on the petition of a wife, the person with whom the husband is alleged to have committed adultery is made a respondent, it shall be lawful for the Court, after the close of the evidence on the part of the petitioner, to direct such co-respondent or respondent to be dismissed from the suit, if it shall think there is not sufficient evidence against him or her.

12. *Persons who administer Oaths under 20 & 21 Vict. c. 77, to administer under 20 & 21 Vict. c. 85.* Registrars, surrogates, commissioners for taking oaths in the Court of Chancery, and all other persons now or hereafter authorised to administer oaths under the Act of the 20 & 21 Vict. c. 77, or under this Act, shall have power to administer oaths under the Act of the 20 & 21 Vict. c. 85.

13. *Bills of Proctors, Attorneys, &c., to be subject to Taxation.* The bill of any proctor, attorney, or solicitor, for any fees, charges, or disbursements in respect of any business transacted in the Court for Divorce and Matrimonial Causes, and whether the same was transacted before the full Court or before the Judge Ordinary, shall, as well between proctor or attorney or solicitor and client, as between party and party, be subject to taxation by any one of the registrars belonging to the principal registry of the Court of Probate, and the mode in which any such bill shall be referred for taxation, and by whom the costs of taxation shall be paid, shall be regulated by the rules and orders to be made under the 20 & 21 Vict. c. 85, and the certificate of the registrar of the amount at which such bill is taxed shall be subject to appeal to the judge of the said court.

14. *Power to enforce Decree as Costs.* The Judge Ordinary of the Court for Divorce and Matrimonial Causes, and the registrars of the principal registry of the Court of Probate, shall respectively, in any case where an ecclesiastical court having matrimonial jurisdiction had, previously to the commencement of 20 & 21 Vict. c. 85, made any order or decree in respect of costs, have the same power of taxing such costs, and enforcing payment thereof, or of otherwise carrying such order or decree into effect, as if the cause wherein such decree was made had been originally commenced and prosecuted in the said Court for Divorce and Matrimonial Causes: Provided that in taxing any such costs, or any other costs incurred in causes depending in any ecclesiastical court previously to the commencement of the said recited Act, all fees, charges, and expenses shall be allowed which might have been legally made, charged, and enforced according to the practice of the Court of Arches.

15. *Judge to exercise Power and Authority over Proctors, &c.* The Judge Ordinary of the Court for Divorce and Matrimonial Causes shall have and exercise, over proctors, solicitors, and attorneys practising in the said Court, the like authority and control as is now exercised by the judges of any court of equity or of common law over persons practising therein as proctors, solicitors, or attorneys.

16. *Commissioners may be appointed in the Isle of Man, &c.* It shall be lawful for the Judge Ordinary of the Court for Divorce and Matrimonial Causes to appoint, by commission under seal of the Court, any persons practising as solicitors in the Isle of Man, in the Channel Islands, or any of them, to administer oaths, and to take declarations or affirmations, to be used in the said court; and such persons shall be entitled from time to time to charge and take such fees as any other persons performing the same duties in the Court for Divorce and Matrimonial Causes may charge and take.

17. *Appeal in Cases of Nullity of Marriage to lie to the House of Lords.* Whereas doubts may be entertained whether the right of appeal given by the Act of the 20 & 21 Vict. c. 85, s. 56, extends to sentences on petitions for nullity of marriage: Be it enacted and declared, that either party dissatisfied with any such sentence may appeal therefrom in the same manner, within the same time, and subject to the same regulations as affect appeals against sentences on petitions for the dissolution of marriage.

18. *Judge Ordinary may grant Rule Nisi for new Trial, &c.* Where any trial shall have been had by a jury before the full Court or before the Judge Ordinary, or upon any issue directed by the full Court or by the Judge Ordinary, it shall be lawful for the Judge Ordinary, subject to any rules to be hereafter made, to grant a rule nisi for a new trial, but no such rule shall be made absolute except by the full Court.

19. *So much of 20 & 21 Vict. c. 85, as to Applications to Judges of Assize repealed.* So much of the Act of the 20th &

21st Vict. c. 85, as authorises application to be made for restitution of conjugal rights or for judicial separation by petition to any judge of assize, and as relates to the proceedings on such petition, shall be and the same is hereby repealed.

20. *Affidavits, before whom to be sworn when Parties making them reside in Foreign Parts.* In cases where it is necessary to obtain affidavits, declarations, or affirmations to be used in the Court for Divorce and Matrimonial Causes from persons residing in foreign parts out of her Majesty's dominions, the same may be sworn, declared, or affirmed before the persons empowered to administer oaths under the Act 6 Geo. 4. c. 87, or under the Act of the 18 & 19 Vict. c. 43; provided that in places where there are no such persons as are mentioned in the said Acts such affidavits, declarations, or affirmations may be made, declared, and affirmed before any foreign local magistrate or other person having authority to administer an oath there.

21. *Affidavits, before whom to be sworn.* Affidavits, declarations, and affirmations to be used in the Court for Divorce and Matrimonial Causes may be sworn and taken in Scotland, Ireland, the Isle of Man, the Channel Islands, or any colony, island, plantation, or place out of England under the dominion of her Majesty, before any court, judge, notary public, or person lawfully authorised to administer oaths in such country, colony, island, plantation, or place respectively, or, so far as relates to the Isle of Man and the Channel Islands, before any commissary, ecclesiastical judge, or surrogate who at the time of the passing of the Act of last session, c. 77, was authorised to administer oaths in the Isle of Man or in the Channel Islands respectively; and all registrars and other officers of the Court for Divorce and Matrimonial Causes shall take judicial notice of the seal or signature, as the case may be, of any such judge, notary public, or person, which shall be attached, suspended, or subscribed to any such affidavit, declaration, or affirmation, or to any other document.

22. *Persons forging Seal or Signature guilty of Felony.* If any person shall forge any such seal or signature as last aforesaid, or any seal or signature impressed, affixed, or subscribed under the provisions of the said Act of 6 Geo. 4, or of the said Act of 18 & 19 Vict., to any affidavit, declaration, or affirmation to be used in the Court for Divorce and Matrimonial Causes, or shall tender in evidence any such document as aforesaid with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall upon conviction be liable to penal servitude for the term of his life, or for any term not less than seven years, or to be imprisoned, with or without hard labour, for any term not exceeding three years nor less than one year; and whenever any such document has been admitted in evidence by virtue of this Act, the Court or the person who has admitted the same may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded, and be kept in the custody of some officer of the Court or other proper person, for such period and subject to such conditions as to the said Court or person shall seem meet; and every person charged with committing any felony under this Act may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence may be laid and charged to have been committed, in the county, district, or place in which he may be apprehended or be in custody; and every accessory before or after the fact to any such offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence laid and charged to have been committed, in any county, district, or place in which the principal offender may be tried.

23. *Persons taking a false Oath before a Surrogate guilty of Perjury.* Any person who shall wilfully give false evidence, or who shall wilfully swear, affirm, or declare falsely, in any affidavit or deposition made under the authority of this Act before any surrogate having authority to administer oaths under the Act of the 20 & 21 Vict. c. 77, or before any person who before the passing of the said Act was a surrogate authorised to administer oaths in any of the Channel Islands, or before any person authorised to administer oaths under this Act, shall be liable to the penalties and consequences of wilful and corrupt perjury.

CAP. CIX.

An Act to declare and define the respective Rights of her Majesty and of his Royal Highness the Prince of Wales and Duke of Cornwall to the Mines and Minerals in or under Land lying below High-water Mark, within and adjacent to the County of Cornwall; and for other Purposes. [2nd August, 1888.]

CAP. CX.

An Act to extend the Act of the Twenty-fourth Year of King George the Third, Chapter Twenty-six, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment. [2nd August, 1858.]

WHEREAS provision is made by the 24 Geo. 3. c. 26, for the issuing of writs by warrant of the Speaker of the House of Commons during any recess of the said House, whether by prorogation or adjournment; And whereas the said Act has been found advantageous to the public, by causing speedy elections, and it is expedient that the provisions thereof be further extended: Be it therefore enacted &c. as follows:

1. Power to Speaker to issue Warrants for making out new Writs in the Room of Members accepting certain Offices.] From and after the passing of this Act, it shall and may be lawful for the Speaker of the House of Commons for the time being, during any recess of the House as aforesaid, to issue his warrant to the Clerk of the Crown to make out a new writ for election of a member of the House in the room of any member who has, since such adjournment or prorogation, accepted any office whereby he has, either by the express provision of any Act of Parliament or by any previous determination of the House of Commons, vacated his seat in the House of Commons, so soon as he shall have been gazetted therein in any of the Queen's Gazettes, and a notice thereof, together with a copy of the Gazette, shall have been sent to the Speaker by a certificate under the hands of two members of the House of Commons, according to the form in the schedule to this Act annexed, or to the like effect.

2. Members accepting Office to notify the same to the Speaker.] Provided always, that any member of the House of Commons accepting any such office as aforesaid shall forthwith notify his acceptance thereof to the Speaker, either by writing under the hand of such member or by his countersigning the said certificate relating to such acceptance, and the Speaker shall not issue his warrant in pursuance of this Act without having received such

notification, and until fourteen days after he shall have caused notice of his having received such certificate and notification to be inserted in the London Gazette.

3. If Case appears to the Speaker doubtful, Warrant not to issue.] Provided always, that in any case in which it shall appear to the Speaker to be doubtful whether the acceptance of any office which has been certified to him as aforesaid has the effect of vacating the seat of the person so appointed, it shall be lawful for the said Speaker, instead of issuing his warrant in pursuance of this Act, to reserve such question for the decision of the House.

4. Act not to apply to certain Offices.] Provided always, That this Act shall not in any way apply to the acceptance of any of the following offices; that is to say, the office of steward or bailiff of her Majesty's three Chiltern Hundreds of Stoke, Desborough, and Bonenhall, or of the Manor of East Hendred, or of the Manor of Northstead, or of the Manor of Hempholme, or of Escheator of Munster.

5. 24 Geo. 3. c. 26, to apply to this Act.] All the other provisions of the said recited Act shall be applicable to the cases provided for in this Act.

6. Short Title.] This Act may be cited as the Election of Members during Recess Act, 1858.

SCHEDULE.

We, whose names are underwritten, being two members of the House of Commons, do hereby certify that M.P., late a member of the said House, serving as one of the knights of the shire for the county of ——— (or as the case may be), has accepted the office of Member of the Council for India (or as the case may be), and has been gazetted thereto in the ——— Gazette, dated the ——— day of ———, and has thereby vacated his seat; and we give you this notice, to the intent that you may issue your warrant to the Clerk of the Crown to make out a new writ for the election of a knight to serve in Parliament for the said county of ——— (or as the case may be), in the room of the said M.P.

Given under our hands, this ——— day of ———, 1858.
A. B.
C. D.
To the Speaker of the House of Commons.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC, AND TO BE JUDICIALLY NOTICED.

- i. An Act to empower the Birmingham and Staffordshire Gaslight Company to raise a further Sum of Money.
- ii. An Act to amend the Act 50 Geo. 3. c. 44, for improving the Port, Harbour, and Town of Whitehaven in the County of Cumberland, in relation to the Securities to be granted for Borrowed Money.
- iii. An Act for conferring additional Powers and Privileges on the Edinburgh Life Assurance Company.
- iv. An Act to empower the Cheltenham Waterworks Company to raise a further Sum of Money.
- v. An Act for supplying with Water the Inhabitants of Gosport, Forton, and Anglesey, and other Places in the Parish of Alverstoke, in the County of Hants.
- vi. An Act to incorporate the Chester United Gas Company, and to confer upon them further Powers for the Supply of Gas to the City and Borough of Chester and the Suburbs thereof.
- vii. An Act to extend the Time for the Construction of the Haslingden and Rawtenstall Waterworks.
- viii. An Act for incorporating "The Madras Irrigation and Canal Company," and for other Purposes connected therewith.
- ix. An Act to enable the Nottingham Gaslight and Coke Company to raise a further Sum of Money, and to afford a Supply of Gas to Places in the Neighbourhood of Nottingham; and for other Purposes.

- x. An Act to enable the Folkestone Waterworks Company to raise further Money; and to confer upon them other Powers.
- xi. An Act to empower the Liskeard and Looe Union-Canal Company to construct a Railway from Moors Water to Looe, all in the County of Cornwall; and for other Purposes.
- xii. An Act to confer upon the Local Board of Health for the District of Merthyr Tydfil further Powers with reference to the Supply of Water; and for other Purposes.
- xiii. An Act to enable the Caledonian Railway Company to make a Branch Railway to Dalmarnock in the County of Lanark; and for other Purposes.
- xiv. An Act to authorise the making of a Railway from the Lancaster and Carlisle Railway at or near Clifton to the South Durham and Lancashire Union Railway at or near Kirkby Stephen, all in the County of Westmoreland; and for other Purposes.
- xv. An Act for making a Railway from the Caledonian Railway, near Symington Station, to Biggar and Broughton; and for other Purposes.
- xvi. An Act to enable the Dundalk and Enniskillen Railway Company to raise further Money; and for other Purposes.
- xvii. An Act for better enabling the British Gaslight Company, Limited, to light with Gas certain Parts of the Town or Borough of Kingston-upon-Hull; and for other Purposes.
- xviii. An Act for better supplying with Water the Town and Parish of Aberdare in the County of Glamorgan.

- xx. An Act for making a Railway from the Craven Arms Station of the Shrewsbury and Hereford Railway in the County of Salop to the Borough of Knighton in the County of Radnor; and for other Purposes.
- xxi. An Act for better supplying with Water the Borough of Barnstaple and Places adjacent thereto, in the County of Devon; and for other Purposes.
- xxii. An Act for providing a Market House and Market Place and other Buildings for Public Accommodation at the Town of Newport in the County of Salop, and for establishing and regulating Markets and Fairs there; and for opening a new Street and widening other Streets, and otherwise improving the Town; and for other Purposes.
- xxiii. An Act for supplying and lighting with Gas the several Townships of Peniston, Thurlstone, and Oxspring, and Places adjacent, all in the Parish of Peniston in the West Riding of the County of York.
- xxiiii. An Act to repeal the Act relating to the Company of Proprietors of the Liverpool Exchange, and to substitute other Provisions in lieu thereof.
- xxv. An Act for enabling the Justices of the County of Lancaster to erect or provide Assize Courts in or near Manchester in the Hundred of Salford; and for other Purposes.
- xxvi. An Act for enabling the Corporation of the City of Manchester to raise further Sums of Money; and for other Purposes.
- xxvii. An Act to regulate the Annual Close Time for Salmon Fisheries in the River Tay and its Tributaries and on the Sea Coasts adjoining.
- xxviii. An Act for enabling the Company of Proprietors of the Birmingham Canal Navigations to raise further Money; and for other Purposes.
- xxix. An Act to provide for the better Maintenance of the Garngod Road in the County of Lanark.
- xxx. An Act to enable the Selkirk and Galashiels Railway Company to raise additional Capital.
- xxxi. An Act to authorise the Ely Valley Railway Company to make a Branch Railway, to be called "The Mwyndy Branch;" and for other Purposes.
- xxxii. An Act for granting further Powers to the Malvern Improvement Commissioners.
- xxxiii. An Act for repealing so much of several Acts for building Vauxhall Bridge, and for making convenient Roads thereto, as relate to certain of such Roads; providing for the future Maintenance and Repair of such Roads; and for other Purposes.
- xxxiiii. An Act for better enabling the British Gaslight Company, Limited, to light with Gas certain Parts of the District called the Staffordshire Potteries; and for other Purposes.
- xxxv. An Act for more effectually maintaining the Navigation of the River Trent from Wilden Ferry in the Counties of Derby and Leicester, or one of them, to Gainsborough in the County of Lincoln, and other Works connected therewith.
- xxxvi. An Act to enable the London Dock Company to raise a further Sum of Money, and to augment their Capital Stock; and for other Purposes connected with their Docks.
- xxxvii. An Act for lighting with Gas the Parish of Maidstone and the Neighbourhood thereof in the County of Kent.
- xxxviii. An Act for the more effectual Management and Repair of the Road from Manchester in the County Palatine of Lancaster, through Hyde, to Mottram-in-Londendale in the County Palatine of Chester.
- xxxix. An Act to authorise the Metropolitan Board of Works to form an improved Communication between Limehouse and the Victoria-park in the County of Middlesex; and for other Purposes.
- xl. An Act for extending, improving, and maintaining the Port and Harbour of Burghhead in the County of Elgin.
- xli. An Act for incorporating the Stoke, Fenton, and Longton Gaslight Company, and extending their Powers; and for other Purposes.
- xlii. An Act for the Regulation of certain Public Sufferance Wharves in the Port of London.
- xliii. An Act to repeal the Acts relating to the Besselsleigh Turnpike Road in the County of Berks, and to make other Provisions in lieu thereof.
- xliiii. An Act for making a Railway from the Meigle Station of the Scottish North-Eastern Railway to the Town of Alyth, to be called "The Alyth Railway;" and for other Purposes in relation thereto.
- xlv. An Act for increasing and regulating the Capital and Borrowing Powers of the Brentford Gaslight Company; for consolidating into one Act the Provisions of the several Acts relating to the Company; and for other Purposes.
- xlv. An Act for vesting the Inverury and Old Meldrum Junction Railway by way of Lease in the Great North of Scotland Railway Company; and for other Purposes.
- xlvi. An Act for making a Railway from Banbridge to Lisburn, to be called "The Banbridge, Lisburn, and Belfast Railway;" and for other Purposes.
- xlvii. An Act to enable the East Suffolk Railway Company to construct a Branch Railway near Lowestoft; to raise further Sums of Money; and for other Purposes.
- xlviii. An Act to confer upon the Waterford and Kilkenny Railway Company Facilities for raising Money.
- xlix. An Act for repairing and maintaining the Road from Horeham in the County of Sussex, through Dorking and Leatherhead, to Epsom in the County of Surrey, and from Capel to Stone-street at Ockley in the said County of Surrey.
- l. An Act for extending the Time for the Completion of the Works authorised by "The Stokes Bay Railway and Pier Act, 1855;" and for other Purposes.
- li. An Act to amend the Acts relating to "The East Kent Railway (extension to Dover)."
- lii. An Act for better supplying with Water the Inhabitants of the Town of Taunton in the County of Somerset.
- liii. An Act to enable the Ballymena, Ballymoney, Coleraine, and Portrush Junction Railway Company to sell their Undertaking to the Belfast and Ballymena Railway Company.
- liv. An Act to amend "The Tramore Embankment Act, 1852."
- lv. An Act for incorporating the City of Waterford Gas Company, and for authorising them to acquire the existing Gasworks at Waterford, and to supply Gas; and for other Purposes.
- lvi. An Act for authorising the Abandonment of Part of the authorised Line of the Exeter and Exmouth Railway, and the making, instead of the Part so abandoned, of an Extension of the Main Line of the Railway; and for reducing and regulating the Capital and Borrowing Powers of the Exeter and Exmouth Railway Company; and for other Purposes.
- lvii. An Act to confer upon the London, Brighton, and South Coast Railway Company further Powers for raising Money, and to authorise the Purchase and Lease by them of the Undertakings of certain other Railway Companies.
- lviii. An Act to authorise a Lease of the Staines, Wokingham, and Woking Railway to the London and South-Western Railway Company, and for other Purposes connected with the Staines, Wokingham, and Woking Railway Company.
- lix. An Act for enabling the Eastern Steam Navigation Company to extend their Powers of trading, to increase their Capital, and to alter and amend their Charter and Deed of Settlement.
- lx. An Act to enable the Globe Insurance Company to alter and amend some of the Provisions of their Deed of Settlement; and to confer further Powers on the Company.
- lxi. An Act to authorise the Cremsford and High Peak Railway Company to raise further Sums of Money; and for other Purposes.
- lxii. An Act providing for the separate Incorporation of the Overseers of the several Townships of Manchester, Ardwick, Chorlton-upon-Medlock, and Hulme, for specific Purposes; for the levying and collection of Rates; for the extinguishing the Exemption of Gasworks from Rates.
- lxiii. An Act for enabling the Local Board of Health for the District of Wallasey to construct Works and supply their District with Water and Gas; for enlarging their Powers with respect to the Acquisition and Maintenance of Ferries; and for other Purposes.
- lxiv. An Act to vest the Stirling and Dunfermline Railway in the Edinburgh and Glasgow Railway Company, and for other Purposes.
- lxv. An Act for the Formation of a Junction between the Fife and Kinross and Kinross-shire Railways, and the Construction of a joint Station at Kinross.
- lxvi. An Act to enable the Caledonian Railway Company to make a Branch Railway to the Port Carlisle Railway; and for other Purposes.
- lxvii. An Act to extend the Time for the Completion of the Salisbury and Yeovil Railway, and to authorise the Sale thereof to the London and South-western Railway Company.
- lxviii. An Act to repeal "The Blyth Harbour and Dock Act, 1854," and to regulate the Company constituted thereby; and for other Purposes.
- lxix. An Act for the Improvement of the Parish of Chiswick, in the County of Middlesex; and for other Purposes.
- lxx. An Act to incorporate the Luton Gas and Coke Company, to authorise the Adjustment and Increase of the present Capital, and for other Purposes.

- lxxi. An Act to repeal An Act for amending and maintaining the Turnpike Road from the Northern End of the Village of Balby in the County of York to Workop in the County of Nottingham, and to make other Provisions in lieu thereof so far as regards a portion of the said Turnpike Road.
- lxxii. An Act to alter and amend the Acts for the Improvement of the Navigation of the Rivers Burry, Loughor, and Lliedi, in the Counties of Carmarthen and Glamorgan, and to improve the Harbour of Llanelly in the said County of Carmarthen.
- lxxiii. An Act for enabling the Ayr and Dalmellington Railway Company to raise additional Capital; for vesting their Undertaking in the Glasgow and South-western Railway Company; and for other Purposes.
- lxxiv. An Act for the Amalgamation of the Hertford and Welwyn Junction Railway Company and the Luton, Dunstable, and Welwyn Junction Railway Company into one Company, to be called "The Hertford, Luton, and Dunstable Railway Company," and for regulating the Capital of the Company formed by the Amalgamation; and for other Purposes.
- lxxv. An Act for enabling the Manchester, Sheffield, and Lincolnshire Railway Company to make a Railway from near their Newton and Hyde Station to the Township of Marple in the Parish of Stockport in the County of Chester, to be called the Newton and Compstall Branch; and for other Purposes.
- lxxvi. An Act for extending the Limits of the Bradford Waterworks, and for authorising the Construction of new and altered Works; and for empowering the Corporation of Bradford to borrow a further Sum of Money; and for other Purposes.
- lxxvii. An Act for enabling the Wexford Harbour Embankment Company to alter the Number of their Shares, and to issue Preference Shares in lieu of unissued Shares; and for other Purposes.
- lxxviii. An Act to extend the Time for purchasing certain Lands required by the Belfast and County Down Railway Company, and for other Purposes connected with the same Company.
- lxxix. An Act for better enabling the British Gaslight Company, limited, to light with Gas the City of Norwich and Suburbs thereof; to dissolve the Norwich Gaslight Company, and to repeal the Acts relating thereto.
- lxxx. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of Liverpool to acquire Lands for a Post Office and Public Offices, and to make a new and widen existing Streets within the Borough; and for other Purposes.
- lxxxi. An Act for making and maintaining a Bridge over the River Yar in the Isle of Wight, with Approaches and Roads thereto; and for other Purposes.
- lxxxii. An Act to authorise the Construction of a Railway from Andover to Redbridge in the County of Southampton, and for that Purpose to convert the Andover Canal into a Railway.
- lxxxiii. An Act to incorporate and regulate "The Oude Railway Company," to enable the Company to construct and maintain Railways in the East Indies, and to enter into Contracts with the East India Company; and for other Purposes.
- lxxxiv. An Act to enable the London, Brighton, and South Coast Railway Company to complete the Communication by Railway between Shoreham, Henfield, and the Mid-Sussex Railway; and for other Purposes connected with their Undertaking.
- lxxxv. An Act to amend the Birkenhead Improvement Amendment Act, 1850, especially with respect to the General Mortgage Debt of the Commissioners and their Powers to sell certain Lands; and for other Purposes.
- lxxxvi. An Act to repeal the Act relating to the Dean Forest Turnpike Roads, and to make other Provisions in lieu thereof, and to authorise the construction of a new Road; and for other Purposes.
- lxxxvii. An Act for amending the Acts relating to the Manchester Corporation Waterworks.
- lxxxviii. An Act to extend the Time for the Completion of so much of the Cornwall Railway as lies between Truro and Falmouth; and for other Purposes.
- lxxxix. An Act for authorising the London and South-western Railway Company to make new Works, and to make arrangements with other Companies, and for authorising a Lease to them of the Salisbury and Yeovil Railway, and for regulating their Capital and borrowing Powers; and for other Purposes.
- xc. An Act to enable the Mersey Docks and Harbour Board to construct certain Works at Birkenhead in substitution for and in addition to those already authorised, and for other Purposes.
- xc. An Act for confirming the Gift by Francis Crossley, Esquire, to the Borough of Halifax of a Park for the Benefit of the Inhabitants of the Borough, and for authorising the Mayor, Aldermen, and Burgesses of the Borough to maintain and regulate the Park, and to provide, maintain, and regulate Public Baths in the Park, and for making a Cemetery, and for making further Provision with respect to the Waterworks and the Gasworks, and the Improvement of the Borough; and for other purposes.
- xcii. An Act to consolidate and amend the Provisions of the several Acts relating to the Liverpool and Birkenhead Docks and the Port and Harbour of Liverpool, and for other Purposes connected therewith.
- xciii. An Act to afford Facilities to the Limerick and Foynes Railway Company for raising the Funds necessary to enable them to execute their Undertaking.
- xciv. An Act to enable the Midland Great Western Railway of Ireland Company to make an Alteration in the Line of their Streamstown and Clara Junction Railway; and for other Purposes.
- xcv. An Act for making a Tramroad from the Aberlenny Slate Quarries in the Parish of Tallyllyn in the County of Merioneth to the River Dovey in the Parish of Llanfihangel-Geneu-Glyn in the County of Cardigan, with Branches therefrom; and for other Purposes.
- xcvi. An Act to enable the Great Northern and Western (of Ireland) Railway Company to make Deviations in their authorised Railways, and to empower the Midland Great Western Railway of Ireland Company to acquire Shares in the Undertaking of the Great Northern and Western (of Ireland) Railway Company; and for other Purposes.
- xcvii. An Act for making a Railway from the Hertford and Ware Branch of the Eastern Counties Railway to Buntingford.
- xcviii. An Act for authorising the raising by the Ulverston and Lancaster Railway Company of further Money, and the selling or leasing of their Railway to the Furness Railway Company; or the making by the two Companies of Working Arrangements; and for giving further Powers to the two Companies respectively; and for other Purposes.
- xcix. An Act for enabling the Eastern Counties Railway Company to abandon a Portion of the Newmarket and Cheshamford Railway and also a Railway to the River Thames at Galleon's Reach.
- c. An Act to enable the Bury and Radcliffe Waterworks Company to raise further Sums of Money; and to amend the Act relating to the Company.
- ci. An Act for enabling the Portsmouth Railway Company to extend their Railway from Havant to Hilsae; to acquire additional Lands; to use a Portion of the London and South-western and London, Brighton, and South Coast Railways; and for other Purposes.
- cii. An Act to authorise the South Devon and Tavistock Railway Company to lease their Railway, to enable them to raise further Capital for the Completion of their Undertaking, and to make Arrangements as to their Share and borrowed Capital; and for other Purposes.
- ciii. An Act for lighting with Gas the Town of Northampton and the Neighbourhood thereof in the County of Northampton.
- civ. An Act for enabling the Battersea Park Commissioners to sell and the West End of London and Crystal Palace Railway Company to purchase Pieces of Land situate near the South End of the new Bridge leading from Chelsea to Battersea Park, for Lease of Undertaking to the London, Brighton, and South Coast Railway Company, for extending the Time for completing Extension to Farnborough; and for other Purposes.
- cv. An Act for constructing a Market, Market Places, and Slaughter-houses, with all necessary Conveniences, within the Hamlet of Canton in the County of Glamorgan, to be called "The Landaff and Canton District Markets."
- cvi. An Act for vesting the Undertaking of the Blackburn Railway Company in the Lancashire and Yorkshire and East Lancashire Railway Companies; and for other Purposes.
- cvi. An Act for enabling the East Kent Railway Company to extend their Railway from Strood to join the Mid Kent Railway (Bromley to St. Mary's Cray); and for other Purposes connected with their Undertaking.

- cxviii. An Act for making a Railway from the Great North of Scotland Railway to Old Dear, and thence to Peterhead and Fraserburgh, with a Branch to Ellen, all in the County of Aberdeen, to be called "The Formartine and Buchan Railway."
- cxix. An Act for consolidating and amending the Acts of the North British Railway Company, and for authorising Alterations in the Leith and Fisherrow or Musselburgh Branches thereof; and for other Purposes.
- cx. An Act for extending the Powers of the Shrewsbury and Welchpool Railway Company for purchasing Lands and completing their Railway; and for other Purposes.
- cxli. An Act for the Amalgamation of the Undertakings of the East Suffolk Railway Company, the Yarmouth and Haddiscoe Railway Company, and the Lowestoft and Beccles Railway Company; for leasing the same; and for other Purposes.
- cxlii. An Act for making a Railway from Athenry to Tuam in the County of Galway; and for other Purposes.
- cxliii. An Act to authorise the Great Northern and the Manchester, Sheffield, and Lincolnshire Railway Companies to work in common, and for certain other Purposes relating to the Great Northern Railway.
- cxliv. An Act for making a Railway from or near Guisbrough to or near to Skinningrove, all in Cleveland in the North Riding of the County of York; and for other Purposes.
- cxlv. An Act for enabling the Stockton and Darlington Railway Company to make a new Railway in the County of Durham in connection with the Wear Valley and Stockton and Darlington Railways; to acquire additional Lands; and for other Purposes.
- cxlvi. An Act for the Amalgamation of the Stockton and Darlington, the Wear Valley, the Middlesbrough and Bedard, the Middlesbrough and Guisbrough, and the Darlington and Barnard Castle Railway Companies; and for regulating the Capital and Borrowing Powers of the Stockton and Darlington Railway Company formed by the Amalgamation; and for other Purposes.
- cxlvii. An Act for enabling the Stockton and Darlington Railway Company to make new Railways in the North Riding of the County of York; and for other Purposes.
- cxlviii. An Act to authorise the Construction of a Station near Victoria Street, Pimlico, in the County of Middlesex, and of a Railway to connect the same with the West London and Crystal Palace Railway at Battersea in the County of Surrey, in order to afford improved Communication between certain of the Railways South of the Thames and the Western Districts of the Metropolis; and for other Purposes.
- cxlix. An Act for making a Railway Communication between Dublin and Meath.
- cl. An Act for the Improvement of the Western Parts of the Parish of Hove in the County of Sussex, and for establishing more efficient Police Regulations within the whole of the said Parish.
- clxi. An Act to make Provision for better supplying Birkenhead and Cloughton with Gas and Water, and for transferring the Undertaking of the Birkenhead and Cloughton Gas and Water Company to the Birkenhead Improvement Commissioners; and for other Purposes.
- clxii. An Act for making a Railway from the Tillicoultry Station of the Stirling and Dunfermline Railway to the Fife and Kinross Railway at Hopefield, to be called "The Devon Valley Railway," and for other Purposes in relation thereto.
- clxiii. An Act to confer further Powers upon the Oxford, Worcester, and Wolverhampton Railway Company with respect to the Completion, Alteration, or Abandonment of certain of their Branch Railways, and to authorise certain Arrangements with respect to their Share Capital and the purchase of the Stratford-upon-Avon Canal; and to amend the Acts relating to the Company; and for other Purposes.
- clxiv. An Act to authorise the making of a Turnpike Road from Thames Street in the Parish of Clewer in the Borough of New Windsor in the County of Berks to Oxford Road in the said Parish; and for other Purposes.
- clxv. An Act for carrying into effect an agreement between the Ribble Navigation Company and Sir Thomas George Hesketh, Baronet.
- clxvi. An Act to enable the Newport, Abergavenny, and Hereford Railway Company to divert their Railway in the Parish of Aberdare in Glamorganshire and to confer upon them other Powers.
- clxvii. An Act to enable the Whitehaven Junction Railway Company to construct new Branches, to widen their Line, to erect Shipping Places and other Works, to raise a further Sum of Money; and for other Purposes.
- clxviii. An Act to empower the Lancaster and Carlisle Railway Company to abandon a Part of the Lancaster and Carlisle and Ingleton Railway, and to alter and divert certain Roads in connection with their Railway; to acquire additional Lands; and for other Purposes.
- clxix. An Act to incorporate the Crystal Palace District Gas Company; to enable the said Company to raise further Money; to authorise the Company to contract for and purchase the Undertaking, Land, and Premises of the Sydenham Gas and Coke Company; and for other Purposes connected therewith.
- clxx. An Act to authorise Arrangements between the Chester and Holyhead Railway Company and London and North-western Railway Company, and to authorise the Chester and Holyhead Railway Company to raise a further Sum of Money; and for other Purposes.
- clxxi. An Act for enabling the London and North-western Railway Company to construct Works and to acquire additional Lands in the Counties of Salop, Middlesex, Hertford, Buckingham, Warwick, Chester, Stafford, Northampton, Leicester, and Lancaster; for authorising Arrangements in reference to "The Improved Postal and Passenger Communication between England and Ireland Act, 1855;" and for other Purposes.
- clxxii. An Act for the Establishment of a Board of Guardians of the Poor in the Parish of Saint Leonard, Shoreditch, in the County of Middlesex; and for other Purposes with respect to the Parish.
- clxxiii. An Act to consolidate and amend the Acts relating to the Stockton, Middlesbrough, and Yarn Water Company; to change the Name of the Company, and authorise the Construction of additional Works and the raising of further Money; and for other Purposes.
- clxxiv. An Act to enable the North Yorkshire and Cleveland Railway Company to construct a new Branch from their Railway; to make a Deviation in the Main Line and other Works; to alter and amend the Acts relating to the Company; and for other Purposes.
- clxxv. An Act for making further Provision with respect to the Severn Valley Railway, in order to the Completion thereof; and for other Purposes.
- clxxvi. An Act to improve the Management of the Manchester South Junction and Altrincham Railway.
- clxxvii. An Act to authorise the Construction of a Railway from Redditch to the Midland Railway.
- clxxviii. An Act to incorporate and regulate the Great Southern of India Railway Company, and for other Purposes connected therewith.
- clxxix. An Act for extending the Powers of the Plymouth Great Western Dock Company; and for other Purposes.
- clxxx. An Act to alter and improve the Boundaries of the Municipal Borough and District of Middlesbrough; to enable the Local Board of Health of the District to enlarge the Market Place; to enable the Corporation to construct Landing Places on the North Side of the River Tees, and to establish a public Passage up and over the said River; to transfer the Powers of the Burial Board to the Local Board; and to confer other Powers on the Local Board and the Corporation; and for other Purposes.
- clxxxi. An Act to confer additional Powers on the Tees Conservancy Commissioners; to regulate the Fisheries in the River Tees; to vest the Anchorage and Plankage Dues in the said Commissioners; to alter and amend their existing Acts; and for other Purposes.
- clxxxii. An Act to extend the Time for making the Worcester and Hereford Railway, and for granting further Powers with respect to that Undertaking.
- clxxxiii. An Act to make further Provisions for vesting the Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole Railway in the Lancashire and Yorkshire Railway Company; and for other Purposes.
- clxxxiv. An Act for enabling the Limerick and Castle Connell Railway Company to extend their Railway from Castle Connell to Killaloe; to issue Preference Shares; and for other Purposes.
- clxxxv. An Act for the Abandonment of the West End of London and Clapham and Norwood Junction Railway; and for other Purposes.
- clxxxvi. An Act to enable the South Wales Railway Company to acquire additional Lands at Newport; and for other Purposes.
- clxxxvii. An Act for authorising a Lease of the Vale of Towy Railway to the Llanelly Railway and Dock Company.
- clxxxviii. An Act for enabling the Atlantic Telegraph Company

to create and issue Preference Capital, for the Extension of Borrowing Powers, and Amendment of Act.
 cxlix. An Act to consolidate and amend the Acts relating to the River Clyde and Harbour of Glasgow.
 cl. An Act for limiting, defining, and regulating the Capital

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PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER, AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. An Act for enabling Mining Leases to be granted of an Estate in the North Riding of Yorkshire, late of Henry Darley, Esquire, deceased, and for other Purposes, and of which the Short Title is "Darley's Estate Act, 1858."
2. An Act to confirm certain Arrangements with regard to the Trust Estate of the late George Viscount Keith, and to enable his Trustees to carry the same into effect.
3. An Act for confirming and giving effect to an Agreement for a Lease by the Westminster Improvement Commissioners of Land in Victoria Street and Tothill Street in the City of Westminster to the Westminster Palace Hotel Company, Limited, and of which the Short Title is "Westminster Palace Hotel Company's Act, 1858."
4. An Act to authorise the raising of Money to be expended in permanent Improvements on the Entailed Estates of Braco, Marr, Carraldstoun, and others, and the granting of Feus and Long Leases of Parts of the said Estates.
5. Act for vesting Estates of the late Mr. Henry Holroyd, deceased, in Trustees for Sale, and for authorising Grants in Fee and Building Leases for long Terms of Years of the same Estates; and for other Purposes.
6. An Act to grant further Powers and to make further Pro-

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7. An Act for authorising the Trustees of the late James Davidson of Ruchill, to sell Part of his Lands of Ruchill, Garrioch, and Balgray in the County of Lanark; and to reinvest the Prices of such Lands; and for other Purposes.
8. An Act for regulating the Dundonald Bursaries in the University and College of Glasgow; and for other Purposes.
9. An Act for authorising Mining, Building, and other Leases, the obtaining of the Enfranchisement of Copyholds and the Renewal of Leases, and the making of Partitions, Sales, and Exchanges of the Estates devised and bequeathed by the Will of Henry Belward Ray, Esquire, deceased; and for other Purposes.
10. An Act to amend an Act of the Parliament of Ireland passed in the Eleventh and Twelfth Years of the Reign of King George the Third, intitled an Act for vesting the Estate of the Right Reverend Father in God Doctor John Stearne, late Lord Bishop of Clogher, deceased, in Trustees, in trust for carrying the charitable and other Bequests of his Will into execution.

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11. An Act to repeal so much of an Act passed in the Seventh Year of the Reign of His late Majesty King William the Fourth and in the First Year of the Reign of Her present Majesty, intitled an Act for naturalising Dame Marie Louise Peltine De Dalberg Acton and her infant Son Sir John Emerich Edward Dalberg Acton, Baronet, as enacts that the said Sir John Emerich Edward Dalberg Acton,

Baronet, shall not thereby be enabled to be of the Privy Council, or a Member of either House of Parliament, or to take any Office or Place of Trust, either Civil or Military, or to have any Grant of Lands, Tenements, or Hereditaments from the Crown, to himself or any other Person or Persons in trust for him.

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